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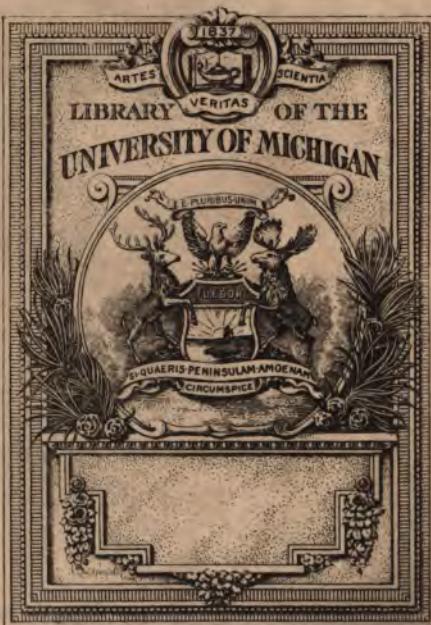
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A PRACTICAL GUIDE
TO THE
PARISH COUNCILS ACT, 1894.

A PRACTICAL GUIDE
TO THE
PARISH COUNCILS ACT, 1894.

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A PRACTICAL GUIDE
TO THE
1894
PARISH COUNCILS ACT, 1894,

CONTAINING THE PROVISIONS OF THE ACT RELATING TO
PARISH MEETINGS AND COUNCILS,
DISTRICT COUNCILS AND GUARDIANS,
LONDON VESTRIES AND DISTRICT BOARDS,

ARRANGED

UNDER THE RESPECTIVE SUBJECTS TO WHICH THEY REFER,
WITH THE MATERIAL SECTIONS OF OTHER ACTS, TO WHICH
REFERENCE IS MADE, SET OUT, OR EXPLAINED.

With an Appendix, containing
THE TEXT OF THE LOCAL GOVERNMENT ACT, 1894;

(By permission of the Authorities)

A SUMMARY OF THE ADOPTIVE ACTS;
A LIST OF THE VESTRIES AND DISTRICT BOARDS IN THE METROPOLIS,
ETC., ETC.

BY
A. H. GRAHAM, M.A.,
Of the Middle Temple,
AND
SPENCER BRODHURST, M.A., B.C.L.,
Of the Inner Temple,
BARRISTERS-AT-LAW.

SIXTH EDITION.

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1894.

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A. VIAN,

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THE PARISH COUNCILS ACT, 1894.

INTRODUCTORY.

THE object of the Local Government Act of the present year, commonly called the Parish Councils Act, is to provide for the extension and development of the system of Local Government which was originated in 1888, and of which the establishment of County Councils under the Local Government Act of that year laid the foundation.

With this object the present Act has provided for the establishment of District Councils, and also Parish Councils, and Parish Meetings in rural parishes.

A Parish Meeting is an assembly of the parochial electors of the parish—"parochial electors" being defined as persons on the Parliamentary or Local Government Register. By "parish" is meant the poor law, or civil, and not the ecclesiastical parish.(a)

The object of the Parish Meeting is to discuss parochial affairs and pass resolutions thereon.

The principal powers of the Meeting are those of adopting certain Acts, such as the Lighting and Watching Act, Public Libraries Act, etc., and of checking the expenditure of the Parish Council. (b)

A Parish Council consists of a Chairman and a certain number of Councillors (varying from five to fifteen), elected by the parochial electors of the parish.

(a) For definition of poor law parish, see page 13.

(b) In parishes which have no separate Parish Council of their own the Parish Meeting has certain additional powers which would otherwise be vested in the Parish Council, see section 19.

The establishment of a Parish Council in every parish which has a population exceeding three hundred, is compulsory. In parishes where the population is under three hundred but over one hundred, it will be for the Parish Meeting to decide whether they will have a Council or not. Where the population is under one hundred the matter will, subject to the consent of the Parish Meeting, be in the discretion of the County Council.

Any two or more parishes with a population under three hundred may, if they wish, be grouped together under a Common Parish Council.

To the Parish Council have been given numerous and extensive powers, the more important among which are—the power of dealing with parish property and charities (other than ecclesiastical (*a*))—power to purchase land compulsorily, and to hire it compulsorily for allotments—the power of carrying into effect the Adoptive Acts referred to above—many of the powers formerly possessed by the Vestry—also the powers of the Churchwardens, except so far as they relate to the affairs of the Church, together with certain powers of the Overseers.

The sum to be raised in any year by the Parish Council for their expenses (other than those incurred under the Adoptive Acts) is not to exceed a sum equal to a rate of 6d. in the £.

Urban District Councils are practically the old Urban Sanitary Authorities (*b*) under a new name (*c*). Certain alterations have been made in their constitution, and certain additional powers have been given them, but otherwise they remain much as they were before.

(*a*) For definition of Ecclesiastical Charities, see page 170.

(*b*) For explanation of Urban and Rural Districts, see page 59.

(*c*) Neither the name nor council, however, of any borough is any way affected by the present Act.

Rural District Councils, on the other hand, are in one sense a new creation. Formerly in a rural district, the Guardians of the Union, in addition to their duty of administering the poor law, acted as the sanitary authority for the district, (*d*) but under the present Act the Rural District Council has been constituted the sanitary authority for the district (*d*). In addition to their other duties, the Rural District Council are to act as a Board of Guardians. Consequently, Guardians, as such, will no longer be elected in rural districts.

The Rural District Council is also to be the highway authority in the District, and Highway Boards are no longer to exist.

With respect to Guardians, the principal alteration is the abolition of *ex officio* members of the Board. The Board, may, however, elect their chairman, vice-chairman, and two other members from outside, and if at the first election there should be a sufficient number of persons who have served as *ex officio* Guardians, these additional members are to be chosen from among them, provided they are willing to accept the office.

Instead of being elected by the ratepayers and owners, Guardians are in future to be elected by the parochial electors of the parishes within the Union. Cumulative voting is abolished, and instead of the election being conducted by means of voting papers left at the elector's house and subsequently called for, it is in future to be conducted according to rules which are to be framed by the Local Government Board.

Not only has the Act, by creating the various authorities mentioned above, carried into effect, on a more or less systematic principle, the scheme for Local Government referred to at the beginning of the chapter, but it has also endeavoured to improve the Local Government of the

(*d*) Which is still the area of the rural district, see pages 59, 60.

Metropolis, by altering the qualification, election, etc., of Vestrymen in the Metropolis (exclusive of the City), and also the qualification of members of District Boards. (e)

The vestrymen are in future to be elected by the parochial electors instead of by the ratepayers of their respective parishes ; and the election is to be conducted according to rules which are to be framed by the Local Government Board. Moreover, in future, there is to be no *ex officio* chairman of such Vestries.

The principal alterations made by the present Act are therefore :—

1. The constitution of certain new authorities, such as Parish Meetings, Parish Councils, and Rural District Councils (Urban District Councils being practically existing authorities under the new name of District Councils).
2. The abolition of *ex officio* Guardians.
3. The abolition of *ex officio* Chairmen of London Vestries.
4. The abolition of Highway Boards in Rural Districts.
5. The abolition of cumulative voting.
6. The substitution of parochial electors (*i.e.*, Parliamentary and Local Government electors) in the place of ratepayers, or ratepayers and owners, as the electors at all elections dealt with by the present Act, including the election of Vestrymen in London.
7. The repeal of existing provisions relating to the conduct of elections, and in their place, the substitution of a new provision requiring all elections in future to be conducted according to rules which are to be framed by the Local Government Board.

The Act, moreover, has made a great addition to the

(e) For explanation of District Board, see page 91.

electorate by permitting *married* women to be upon the Local Government Register—but only for the purposes of the present Act. (a) It has also given the Parish Council the right to exercise, for the purpose of obtaining land for allotments, a power hitherto unknown, namely, the power of hiring land compulsorily.

With regard to the Act itself there is this observation to be made, that many of its provisions are necessarily unintelligible to the ordinary reader who has not facilities for consulting the numerous statutes (between thirty and forty in number) to which the Act from time to time refers.

That it should be necessary to legislate so much by reference, is to be regretted, but having regard to the way in which legislation has been carried out in the past, it must be admitted—as was pointed out during the debates on the Act in the House of Commons—that it is the misfortune and not the fault of draughtsmen of the present day, that such is the case.

As an example of the difficulty which the ordinary reader would find in understanding some of the provisions of the Act, the reader is referred to the provisions relating to the compulsory purchase of land. Section 9 of the present Act refers to section 3 of the Allotments Act of 1887, which again refers to several sections of the Public Health Act, 1875, and to the Lands Clauses Act of 1845. This is only one of the numerous instances which might be cited.

Moreover, many of the references are not directly to specified Acts, but are merely references to what is done by other authorities in similar cases, leaving the reader to find out what Act or Acts deal with the matter referred to; for example, section 60 provides that, “the County Council may from

(a) A husband and wife, however, cannot both be qualified in respect of the same property.

time to time fix or alter the number of Guardians or Rural District Councillors . . . and for those purposes may exercise powers of adding . . . and dividing parishes into wards, similar to those which, by the Acts relating to the relief of the poor, are for the purposes of the election of Guardians, vested in the Local Government Board." Again in section 11(1), "The Parish Council shall, for the purpose of obtaining payment of such expenses, have the same power as a Board of Guardians have, for the purpose of obtaining contributions to their common fund."

It is principally with a view to rendering provisions such as these readily intelligible, that we have directed our efforts throughout the following pages.

The provisions of the Act have been placed under the respective subjects to which they relate, in order that the reader, whether he is a parochial elector,* councillor or guardian, etc., may see at once what is his position, and what are his powers and duties, without being obliged to search through the whole of the Act in order to ascertain which of its numerous provisions do or do not affect him.

The figures in the margin of the text refer to the sections of the Act itself which is printed in the Appendix.

* For definition, see first paragraph of opposite page.

NOTE.—The figures in the margin refer to the Sections of the Act which is set out in Appendix A.

CHAPTER I.

PARISH MEETINGS.

[For special provisions relating to Parish Meetings in parishes which have no separate Parish Council, see Chapter II., page 24.]

Section

- 1 IN every rural parish, *i.e.*, parish within a rural sanitary district (*a*), there is to be a Parish Meeting, consisting of the parochial electors of the parish—namely, persons registered in such portion of the Parliamentary or Local Government Register (*b*) as relates to the parish.
- 2⁽⁷⁾ The object of the meeting will be to discuss the affairs of the parish and pass resolutions thereon.
- 2⁽⁴⁾ The proceedings at the meeting are to be conducted under the direction of a chairman, chosen by the meeting,
- 45⁽²⁾ unless the chairman of the Parish Council is present, and is willing to take the chair, in which case he will be *ex officio* chairman of the meeting, provided that he is not a candidate for election (*c*).

(*a*) A rural sanitary district is the area of any two or more rural parishes, formerly maintaining their own poor, which have by virtue of the Poor Laws Amendment Act, 1834, been amalgamated so as to form a "Union" for the purpose of administering the Poor Law. See further, p. 59. The parish referred to in this Act is, therefore, a Poor Law or civil, and not an ecclesiastical parish. [A poor law parish is a place for which a separate poor rate is, or can be made, or for which a separate overseer is, or can be appointed. Interpretation Act, 1889, section 5.]

(*b*) For the purposes of the present Act a woman is not disqualified from being on the Local Government Register by reason merely of marriage, but a husband and wife cannot both be qualified in respect of the same property, section 43. As to the Register of Electors, see, further, section 44.

(*c*) With regard to the election of a chairman in a parish which has no separate Council, see page 25. As to when a parish has no separate Parish Council, see page 29.

PARISH MEETINGS.

	MEETINGS. (d)	Section
Meetings— number of convening of	The Parish Meeting is to hold an annual assembly on 2(7) the 25th of March in each year, or within seven days before or after that day.	
time and place of	A meeting may also be convened at any time by the 45(3) chairman of the Parish Council, or any two councillors, or any six parochial electors.	
Holding of the first meeting.	A Parish Meeting may be held on such days and at 45(1) such times (after six p.m.) and at such places as may be 2(3) fixed by the Parish Council, or if there is no Parish Council, by the chairman of the Parish Meeting.	
Public notice of meeting must be given.	The first assembly of the Parish Meeting is to be 78 convened by the overseers at such time as may be fixed 48(2) by the rules, which are to be framed by the Local Govern- ment Board, for the election of Parish Councillors. See page 19.	
	If any difficulty arises with respect to the holding 80 of the first Parish Meeting, the County Council are empowered to deal with it. See section 80.	
	At least seven (f) clear days before any Parish Meeting 2(7) is held, public notice must be given, specifying the time and place of the intended meeting and the business to be transacted, and signed by the chairman of the Parish Council or other conveners of the meeting.	
	The notice must be given in the manner required for 51 giving notice of a Vestry meeting—that is to say, by fixing it on or near the principal door of the churches or chapels (g) of the parish—and by posting it on some conspicuous place or places within the parish, and in such other manner as appears to the persons convening the meeting desirable.	
	<i>Place of Meeting.</i>	
	The meeting must not be held in premises licensed for 61 the sale of intoxicating liquor, except in cases where no	
	(d) With regard to meetings in parishes which have no separate Parish Council, see page 24. As to when a parish has no separate Council, see page 29.	
	(f) Not less than fourteen days' notice must be given if the business relates to the establishment or dissolution of a Parish Council, the grouping of a parish, or the adoption of any of the Adoptive Acts. 2(7).	
	(g) In which divine service is performed according to the rites of the Church of England.	

Section

other suitable room is available, either free of charge or at a reasonable cost.

- 4(1) If there is no suitable public room vested in the Parish Council (g) which can be used free of charge for the meeting (or for any of the purposes specified below), the parochial electors are entitled to use for such purposes, free of charge, at all reasonable times and after reasonable notice, any suitable room (h) in the school-house of any public elementary school (i) receiving a grant out of moneys provided by Parliament, and any suitable room the expense of maintaining which is payable out of any local rate. No interference, however, is authorized with any part of a private dwelling-house, or with the school hours of an elementary day or evening school, or in the case of a room used for the administration of justice or police, with the hours during which it is used for those purposes.

- 4(1) The following are the purposes for which such rooms may also be used :—
- | | |
|---|---|
| <ul style="list-style-type: none"> (a) For any meeting of the Parish Council ; or (b) For any inquiry for parochial purposes by the Local Government Board or any other Government department or local authority ; or (c) For holding meetings convened by the chairman of the Parish Meeting or by the Parish Council—or if as to allotments, in the manner prescribed by the Allotments Act, 1890—or otherwise as the Local Government Board may by rule prescribe, to discuss any question relating to allotments, under the Allotments Act, 1887 and 1890, or under this Act ; or (d) For the candidature of any person for the Parish Council or District Council. | Additional purposes for which such rooms may be used. |
|---|---|

(g) Or in the chairman of the Parish Meeting and the overseers, if the parish has no separate Council, see page 24.

(h) Any question which may arise as to what is reasonable or suitable is to be determined in the case of a school-room by the Education Department—in the case of a room used for the administration of justice or police, by a Secretary of State, and in any other case by the Local Government Board, s. 4(3).

(i) For definition, see note on page 125.

- (e) For any committee or officer appointed either by the Parish Meeting or Council or by a County or District Council, to administer public funds within or for the purposes of the parish.

Damage
done to
such rooms
must be
made good.

Any damage done to the room or to the building of which the room is part, or its appurtenances, or to the furniture or the apparatus for instruction, or any expense incurred by persons having control over the room, will have to be made good or defrayed as part of the expenses of the Parish Meeting (or Parish Council, or inquiry, as the case may be), but when the meeting is called for the purpose of any candidature, any such damage or expense incurred will have to be made good or defrayed by the persons on whose behalf the meeting was convened.

PROCEDURE AT PARISH MEETINGS.

- i. *Procedure at Ordinary Meetings.*
- ii. *Special provisions relating to procedure at Meetings for Elections (j).*

i. *Procedure at Ordinary Meetings.*

Decision of
questions.

Every question is in the first instance to be decided by the majority of those present and voting on the question.

Number of
votes.

Every elector present at a meeting [or any poll consequent thereon] is entitled to one vote on any question, and no more.

The chairman (who in the case of an equal division of votes has a second or casting vote) is to announce his decision as to the result, and his decision is to be final unless a poll is demanded at any time before the conclusion of the meeting.

A poll
may be
demanded.

A poll may be demanded by any one parochial elector in the case of a resolution respecting any of the following matters, namely :—

- (a.) Any application, representation, or complaint to a County Council or a District Council;

(j) The Parish Councillors are to be elected at the Parish Meeting, or a poll consequent thereon. See page 34. 48(1).

ection

- (b.) The appointment of a chairman for the year, Procedure at an Ordin- or of a committee, or the delegation of any ~~any~~ Meet- powers or duties to a committee, or the ap- proval of the acts of a committee ;
- (c.) The appointment of an overseer, the appointment or revocation of the appointment or dismissal of an assistant overseer or a parish officer ;
- (d.) The appointment of trustees or beneficiaries of a charity ;
- (e.) The adoption of any of the Adoptive Acts ;
- (f.) The consent or refusal of consent to any act, matter or thing which cannot by law be done without that consent ;
- (g.) The formation or dissolution of a School Board ;
- (h.) The incurring of any expense or liability ;
- (i.) The place and time for the assembly of the Parish Meeting ;
- (j.) Any other prescribed matter.

Except in the above cases a poll is not to be taken unless either the chairman of the meeting assents, or the poll is demanded by not less than five, or one-third, of the parochial electors present, whichever number is the smaller.

8(8) If a poll is demanded, it is to be taken in the same Manner in which poll is to be taken. manner as a poll at the election of Councillors, but subject to any alterations which may be made by the rules which are to be framed by the Local Government Board for the regulation of elections. See page 19.

2(7) Minutes of the proceedings are to be kept in a book Minutes to be kept, provided for that purpose.

A minute of proceedings signed at the same or the next ensuing meeting, by a person describing himself as or appearing to be chairman of the meeting at which the minute is signed, is to be received in evidence without further proof.

And until the contrary is proved every meeting, in respect of the proceedings of which a minute has been so made, is to be deemed to have been duly convened

and held, and all the members of the meeting to have been duly qualified.

Standing orders may be made by the Parish Council.

Subject to the above provisions a Parish Council may make, vary, and revoke standing orders for the regulation of the proceedings and business at Parish Meetings.

ii. Special provisions relating to procedure at Meetings for Elections.

Manner in which the poll is to be taken.

If a poll is demanded it is to be taken by ballot, and ⁴⁸⁰ the following Acts (including their penal provisions) are, subject to such adaptations or alterations as may be made by the rules which are to be framed by the Local Government Board for the regulation of elections (see page 19), to apply in like manner as in the case of a municipal election—

1. The Ballot Act, 1872. But, besides the right to use the schools and public rooms referred to in section 6 of the above Act, free of charge, for taking the poll in, the returning officer may, under the present Act, also use them free of charge, for hearing objections to nomination papers and for counting votes.

2. The Municipal Elections (Corrupt and Illegal Practices) Act, 1884; except the provisions of that Act—

- i. Prohibiting the payment of any sum and the incurring of any expense, either,
 - (a.) By or on behalf of any candidate at an election or ;
 - (b.) On account of, or in respect of, the conduct or management of the election.
 - ii. Relating to the time for sending in and paying claims ; or
 - iii. Relating to the maximum amount of election expenses, or the return or declaration respecting election expenses.
3. Sections 74 and 75, and Part iv. of the Municipal

Section

Corporations Act, 1882, as amended by the last mentioned Act.

Procedure
at a meet-
ing for
elections.

Section 74 of the above Act provides, that any person who forges or fraudulently defaces or destroys a nomination paper or delivers a forged one, knowing it to be forged, shall be liable to imprisonment for a term not exceeding six months, with or without hard labour.

Section 75 imposes penalties on authorities, who neglect or refuse to perform their duties with regard to elections. Part iv. deals with corrupt practices and election petitions.

At a Parish Meeting held for the election of Councillors, or at any poll consequent thereon, each elector is entitled to one vote for each of any number of persons not exceeding the number to be elected.

2(7) Where a meeting is held for the election of Councillors, opportunity is to be given at the meeting for putting questions to such of the candidates as are present and receiving explanations from them ; and any candidate may attend and speak at the meeting, but unless he is a parochial elector he may not vote.

All elections under the present Act are, subject to the conduct of elections, to be conducted according to rules which are to be framed under this Act, for that purpose, by the Local Government Board.

31(1) Such rules are to provide among other things

- 48(2) i. For every candidate being nominated in writing by two parochial electors as proposer and seconder ;
- ii. For preventing an elector at an election for a Union or for a district not a borough, from subscribing a nomination paper or voting in more than one parish or other area in the union or district ;
- iii. For preventing an elector at an election for a parish divided into parish wards (⁴) from subscribing a nomination paper or voting for more than one ward ;

(4) As to the election of Parish Councillors in parishes which have been divided into parish wards under section 18, see the provisions of section 49.

Procedure
at a meet-
ing for
elections.

- iv. For fixing or enabling the County Council to fix the day of the poll, and the hours during which the poll is to be kept open, so, however, that the poll shall always be open between the hours of six and eight in the evening ;
- v. For the polls at elections held at the same date and in the same area being taken together, except where this is impracticable ;
- vi. For the appointment of returning officers for the elections.

Payment of Expenses.

Expenses of
Meeting.

The reasonable expenses of and incidental to the holding of a Parish Meeting, or taking a poll consequent thereon, are to be paid out of the Poor Rate by the Parish Council (*l*). See page 115.

The expenses incurred in the election of Parish Councillors are not to exceed the scale which is to be fixed by the County Council. See section 48(*7*).

POWERS AND DUTIES OF THE PARISH
MEETING.

[For additional powers exercisable by the Parish Meeting in a parish which has no separate Parish Council, see page 24.]

The following are the powers, rights and duties, which are vested in the Parish Meeting.

Right of
electing
Parish
Councillors.

Powers of
adopting
certain
Acts.

- 1. The right of electing the members of the Parish Council. 48(*1*)
- 2. The exclusive power of adopting any of the following Acts including any acts amending the same, all which Acts are hereafter referred to as the Adoptive Acts (*m*)
 - (a.) The Lighting and Watching Act, 1833.
 - (b.) The Baths and Washhouses Acts, 1846 to 1882.
 - (c.) The Burial Acts, 1852 to 1885 (*n*)

(*l*) As to the payment of such expenses in a parish which has no separate Council, see page 28.

(*m*) A summary of the Adoptive Acts will be found in Appendix B. Where there is power to adopt any of the Adoptive Acts for a part only of a parish, the Act may be adopted by a Parish Meeting held for that part, section 7(*4*). For provisions relating to Parish Meetings for part only of a parish, see section 49.

Section

- (d.) The Public Improvements Act, 1860.
- (e.) The Public Libraries Act, 1892.

7⁽²⁾ Where a particular majority is required for the adoption or abandonment or for any proceeding under any of these Acts, the same majority of the Parish Meeting will, in future, be necessary (o), and where, under any of these Acts, the opinion of the voters is to be ascertained by voting papers, (p) the opinion of the parochial electors is to be ascertained by a poll conducted in the manner described on page 18.

7⁽⁷⁾ In future, the Parish Council are to carry into execution the Adoptive Acts, whether adopted before or after the

53⁽¹⁾ Council was constituted, see p. 49. But if on the day fixed for the first Parish Councillors to come into office, any of the Adoptive Acts is in force in a part only of a rural parish, the existing authority or the Parish Meeting for that part may transfer the powers, duties, and liabilities of the authority to the Parish Council, subject to such conditions with respect to the execution thereof by means of a committee, as may seem advisable to the authority or Parish Meeting, and any such conditions may be altered by the Parish Meeting.

7⁽⁸⁾ Where under any of the Adoptive Acts the consent approval of, or other act on the part of the Vestry (q) is required in relation to any expense or rate, the consent, etc., of the Parish Meeting instead of the Vestry will be required in future.

52⁽¹⁾ 3. All the powers which may be exercised, and any Power of consent which may be given, by the owners and rate-payers of a parish or by the majority of them, under any property,

(n) For the purposes of this Act, the passing of a resolution to provide a burial ground under the Burial Acts, 1852 to 1885, is to be deemed an adoption of those Acts. Section 7⁽⁹⁾.

(o) A majority of two-thirds is required for the adoption of the Lighting and Watching Acts, the Baths and Washhouses Acts, and the Public Improvement Act. See pp. 184 to 187.

(p) The opinion of the voters as to whether the Public Libraries Act, 1892, should be adopted or not, was formerly obtained by means of voting papers which were left at the voters' houses and subsequently called for.

(q) The expression Vestry, in this case, includes any meeting of ratepayers or voters. Section 75⁽²⁾.

raising of
rates, etc.,
under cer-
tain Acts.

of the Acts relating to the relief of the poor, or under the School Sites Acts, or the Literary and Scientific Institutions Acts, 1854, so far as respects the dealing with parish property or the spending of money or raising of a rate.

Power to
apply for
formation
or dissolu-
tion of a
School
Board.

4. The power (formerly possessed by the ratepayers (q) 52 of a rural parish) of applying to the Education Department, either for the formation of a School Board, under section 12, of the Elementary Education Act, 1870 ; or for the dissolution of the School Board under section 41, of the Elementary Education Act, 1876.

A proposal to make an application for the formation of a School Board must be accepted by a majority of the Parish Meeting, or parochial electors, if a poll is taken.

If the proposal is rejected, it cannot be made again till twelve months after such rejection.

A proposal to apply for the dissolution of the School Board must be accepted by a majority of not less than two-thirds of the Parish Meeting—or parochial electors, if a poll is taken.

No application for the dissolution of the School Board can be made, except within six months before the expiration of the period for which the Board has been elected.

Power of
applying
for dissolu-
tion of
Parish
Council.

5. The power of applying to the County Council, on a 39 subsequent decrease of population, for an order dis-solving the Parish Council, see s. 39^(q). As to the power of applying afterwards for an order grouping the parish with some other parish or parishes, see p. 112.

Powers with
regard to
roads.

6. With regard to the power of the Parish Meeting 13 to give or refuse their consent, either to the stopping or diversion of a public right of way, or to a declaration that a highway is unnecessary, and not repairable at the public expense, see p. 57.

7. The right, under certain circumstances, to de- 47

(q) The ratepayers being the School Board electors in parishes not situated the Metropolis or in a Borough (other than the Borough of Wenlock).

Section

termine which of the retiring Parish Councillors are to remain in office in cases where a sufficient number of Councillors to fill the vacancies has not been elected at the annual election. See p. 35.

11⁽¹⁾ 8. The consent of the Parish Meeting has to be obtained by the Parish Council, before they can incur any expense or liability which

Right to fill
vacancies
Parish
Council.

(a.) Will involve a rate exceeding 3d. in the pound for any financial year ; or

(b.) Will involve a loan.

8⁽²⁾ 9. The consent of the Parish Meeting has also to be obtained by the Parish Council before the latter can sell or exchange any parish property.

Power of
restricting
expenditure
of Parish
Council.

14⁽⁶⁾ 10. The accounts of all parochial charities (other than ecclesiastical^(r)) which affect the parish are annually to be laid before the Parish Meeting. See Appendix I, p. 198.

70 For the settlement of any question that may arise as to whether any power, duty or liability has or has not been transferred to the Parish Meeting, see section 70.

37 Where it is proved to the satisfaction of the County Council, that any part of a parish has a defined boundary and has any property or rights distinct from the rest of the parish, the County Council may order^(s) that the consent of the Parish Meeting held for that part of the parish, shall be required for any such act or class of acts of the Parish Council affecting the property or rights specified in the order.

56⁽²⁾ Where a Parish Council have any powers and duties which are to be exercised in a part only of a parish, or in relation to a recreation ground, building or property, held for the benefit of a part of a parish, and the part has a defined boundary, the Parish Meeting for that part may require the Parish Council to appoint annually to exercise such powers and duties, a committee consisting partly of members of the Council, and partly of other persons representing the said part of the parish.

(r) For definition of "parochial" and "ecclesiastical" charities, see s. 75.

(s) Such order will not require confirmation by the Local Government Board section 40.

CHAPTER II.

PARISH MEETINGS IN PARISHES WHICH
HAVE NO SEPARATE PARISH COUNCIL (*t*).

Section

In a rural parish which has no separate Parish Council the following provisions are to apply, but subject to the provisions of the grouping order, if the parish is grouped with some other parish or parishes.

The chair-
man and
overseers
constituted
a body cor-
porate.

The chairman of the Parish Meeting and the overseers ¹⁹⁽⁶⁾ of the parish are to be a body corporate by the name of the chairman and overseers of the parish, and are to have perpetual succession, and may hold land for the purposes of the parish without license in mortmain (*u*); but they must in all respects act in manner directed by the Parish Meeting. Any act of such body corporate must be executed under the hands (or if an instrument under seal is required, under the hands and seals) of the chairman and overseers.

Any act of the meeting may be signified by an ¹⁹⁽¹¹⁾ instrument executed at the meeting under the hands (or if an instrument under seal is required, under the hands and seals) of the chairman presiding at the meeting, and two other parochial electors present at the meeting.

Any instrument purporting to have been thus executed ²⁽⁷⁾ is to be deemed to have been duly so executed until the contrary is proved.

(*t*) As to when a parish has no separate Parish Council, see page 29. With regard to an application for the dissolution of the grouping order, see page 113; and as to the right to apply for the establishment of a separate Council on a subsequent increase of population, see also page 113.

(*u*) The sale or gift of lands in mortmain, that is to say, to religious and other corporations, has been from the earliest days prohibited on the ground that a corporation might exist for generations, and that during the whole of its existence the land would in all probability remain in the same hands, a state of things which was considered undesirable. It was in the power of the Crown, however, to grant what was called a license in mortmain, that is, a license enabling a corporation or religious body to hold land in perpetuity notwithstanding such prohibition. The present Act enables the chairman and overseers as a body corporate, to hold land without the necessity of obtaining any license from the Crown.

Section

19⁽⁷⁾ The legal interest in all property which under this Act would, if there were a Parish Council, be vested on the appointed day (*v*) in the Parish Council, is to vest in the said body corporate of the chairman and overseers of the parish, subject to all trusts and liabilities affecting the same. All persons concerned must make or concur in making such transfers (if any) as may be requisite to give effect to this provision.

19⁽¹⁾ The chairman is to be chosen each year at the annual assembly of the Parish Meeting. The chairman to be chosen annually

78⁽³⁾ The first chairman is to remain in office till the 15th annually
3⁽⁴⁾ April, 1896.

47⁽³⁾ The chairman may, however, if he wishes, resign before the expiration of his year of office, by giving notice in writing to the meeting.

2⁽⁷⁾ If the chairman is absent from, or unwilling or unable to take the chair at any assembly of the Parish Meeting, the meeting may appoint some one to act in his stead. The person appointed will, for the purpose of that meeting, have the powers and authority of the chairman.

47⁽⁴⁾ If any casual vacancy occurs in the office of chairman, the meeting must elect another chairman. The person so elected will retire at the time when the chairman whose place he has taken would have retired in the ordinary course.

2⁽⁷⁾ Any notice required to be given to or served on the Parish Meeting, may be given to or served on the chairman of the meeting.

MEETINGS.

19⁽²⁾ The Parish Meeting is to assemble not less than twice in each year. Annual assembly and number of meetings.

2⁽⁷⁾ The annual assembly is to be held on the 25th March in each year or within seven days before or after that day.

45⁽³⁾ The meeting may be convened at any time by the chairman or any six parochial electors.

(*v*) The day fixed for the coming into office of the Councillors first elected under this Act. See section 84.

Subject to the provisions of the Act, (u) the Parish Meeting may regulate their own proceedings and business.

POWERS AND DUTIES OF THE MEETING.

The following are the powers, rights, and duties of the meeting :—

Powers, etc.
of the
Vestry.

1. All the powers, duties, and liabilities of the Vestry, except so far as they relate to the affairs of the Church (v) or to ecclesiastical charities, (v) and except such of the powers, etc., as have been transferred to any authority other than the Parish Council (w).

Power and
duty of
appointing
overseers
and an
assistant
overseer.

2. The power and the duty of appointing the overseers, and of notifying their appointment to the Guardians, also the power of appointing and revoking the appointment of an assistant overseer. See pages 42 and 43.

Power of
appointing
trustees
of certain
charities.

3. The power given by this Act to a Parish Council of appointing trustees of a charity in the place of the overseers or churchwardens. As to which, see page 54.

Powers in
connection
with public
right of way

4. The power given by this Act to a Parish Council to give or refuse their consent to the stopping or diversion of a public right of way, or the declaring of a highway to be unnecessary and not repairable at the public expense. See page 57.

Power to
complain of
District
Council.

5. The power also given by this Act to a Parish Council, of making a complaint to the County Council of any default by the District Council. See page 57.

(u) See pages 15 to 18.

(v) For definition, see section 75(2).

(w) The powers, etc., of the Vestry under the Highway Acts have, in the case of a rural parish, been transferred by this Act to the Rural District Council. The said powers of the Vestry were in the case of urban parishes transferred in the year 1875 to the urban sanitary authority (now the Urban District Council) by the Public Health Act of that year.

Section

- 53⁽²⁾ 6. As to the power of the Meeting to appoint in Power of appointing certain cases members of a joint committee to members of joint com- carry out any of the Adoptive Acts where the mittee for authority under any of those Acts will not after execution of Adoptive the appointed day (*x*) be included in one rural Acts. parish, see page 49, note (*n*).
7. The accounts of all parochial charities (other than Rights in ecclesiastical (*y*) which affect the parish are to be with annually laid before the Meeting (*z*), and in the charities. case of dole charities the names of the beneficiaries are to be published annually in such form as the Meeting think fit. See section 14⁽⁶⁾. The draft also of every scheme relating to a charity (not being an ecclesiastical charity) which affects the parish must be communicated to the chairman of the Meeting before the notice of the proposal to make an order for such scheme is published. See further, section 14⁽⁵⁾.
- 19⁽¹⁰⁾ Upon the application of the Meeting the County Application Council may confer on them any of the powers conferred for addi- tional powers. on a Parish Council by this Act.
- 70 For the determination of any question which may arise as to whether any power, duty, etc., has been transferred to the Meeting or not, or whether any property is or is not vested in the chairman and overseers, see Settlement of disputes. section 70.
- 19⁽³⁾ The Meeting may appoint a committee of their own Appoint- number for any purposes which in the opinion of the ment of a committee. Parish Meeting would be better regulated and managed by means of such a committee. All the acts of the committee will have to be submitted to the Parish Meet- ing for their approval.

With regard to the custody of parish documents, etc., Custody of documents. see section 17⁽⁹⁾.

(*x*) See note (*v*) on page 25.

(*y*) For definition of "parochial" and "ecclesiastical charities," see section 75⁽⁸⁾.

(*z*) See further Appendix I, p. 198.

PAYMENT OF EXPENSES.

Payment of expenses The reasonable expenses of and incidental to the holding of the Meeting or taking a poll consequent thereon are to be paid out of the Poor Rate. For the purpose of obtaining payment of such expenses the chairman of the Meeting is to have powers similar to those possessed by a Board of Guardians for the purpose of obtaining contributions to their common fund. As to which see p. 116.

A rate levied for defraying the expenses of the Meeting (when added to expenses under any of the Adoptive Acts) is not to exceed 6d. in the £ in any financial year.

CHAPTER III

PARISH COUNCILS. (x)

Section

1⁽¹⁾ IN every rural parish with a population over 300 there is. In parishes with over 300 inhabitants, is to be a Parish Council (y).

With regard to parishes with a population under 300, the Act provides as follows :—

- (a) Where the population of the parish is over 100 ii. In parishes with over 100 inhabitants, the Parish Meeting is to decide whether or not there shall be a Parish Council. If they decide that there shall be a Parish Council, the County Council must provide for its establishment ;
- (b) Where the population is below 100 the County iii. In parishes with less than 100 inhabitants, Council may, with the consent of the Parish Meeting, provide for the establishment of a Council.

1⁽¹⁾
38⁽⁴⁾ In any case in which the population is under 300 and Grouping of parishes. the parish has not been provided for as above, under (a) or (b), the County Council may, at the request or with the consent of the parishes affected, provide for grouping the parish with some neighbouring parish or parishes, under a common Parish Council (z).

(x) Where a rural parish is co-extensive with a rural sanitary district, then until the district is united to some other district, and unless the County Council otherwise direct, a separate election of a Parish Council is not to be held. In such case the District Council are, in addition to their own powers, to have the powers of, and are to be deemed, the Parish Council. 36⁽⁴⁾

(y) As to the effect of any subsequent decrease of population on the constitution of the Parish Council, see section 39⁽²⁾. The population is to be reckoned in the present case according to the Census of 1891.

55⁽¹⁾ (z) The group when formed will bear such name as the order may direct. See further as to grouping, page 113.

Each parish, however, is in such case to retain its 1⁽¹⁾ own Parish Meeting. See further, Chap. X., as to the grouping of parishes, page 112.

Provisions
as to par-
ishes with
no separate
Council.

For the provisions of the Act relating to parishes with a population under 300, which have no separate Parish Council, see p. 24.

CONSTITUTION OF THE PARISH COUNCIL.

The Parish
Council to
be a body
corporate.

The Parish Council are to be a body corporate by the 3⁽⁹⁾ name of The —— Parish Council. If there is any doubt as to the name the County Council are to settle the question after consulting the Parish Meeting. The Council are to have perpetual succession, and may hold land for the purposes of their powers and duties, without license in mortmain (*c*). Any act of the council may be signified by an instrument executed at a meeting of the Council, and under the hands (or in the case of an instrument under seal, under the hands and seals) of the chairman presiding at the meeting and two other members of the Council.

The Council
may be
represented
by their
clerk, etc.

The Parish Council may appear before any court or 3⁽¹⁰⁾ in any legal proceedings by their clerk, or by any officer or member authorized generally or in respect of any special proceeding by resolution of the council, and their clerk or any officer or member will, if so authorized, be at liberty to institute and carry on any proceeding which the council are authorized to institute and carry on.

Constitu-
tion of the
Council.

The Council is to consist of a chairman and such 3⁽¹⁾ number of Councillors as may be from time to time fixed by the County Council ;—being not less than five nor more than fifteen, exclusive of the chairman. 3⁽⁸⁾

(c) For explanation, see note (u), page 24.

Section

THE CHAIRMAN OF THE COUNCIL (*d*).

- 3⁽⁸⁾ The chairman is to be elected by the Councillors. Election.
- 46⁽¹⁾ Although he need not necessarily be one of the Councillors themselves, he must in any case be qualified to be a Councillor of the parish, as to which, see page 32.
- 3⁽⁸⁾ The chairman is to be elected each year at the annual meeting of the Council, and will continue in office till his successor is elected, unless he previously becomes disqualified or resigns, which he is at liberty to do after giving a written notice to the Council; on the other hand, he may, at the expiration of his year of office, present himself for re-election.
- 46⁽⁶⁾
47⁽³⁾ Any casual vacancy which may occur in the office of chairman must be forthwith filled by the Council. The person so elected will retire from office at the time when the chairman, whose place he has taken, would have retired in the ordinary course.

Vice-Chairman.

- 3⁽¹⁰⁾ The Parish Council may, if they think fit, appoint one of their number to be vice-chairman, who, in the absence or during the inability of the chairman, may exercise the powers and authority of the chairman.

PARISH COUNCILLORS.

- 3⁽³⁾ The Councillors are to be elected annually by the Elected by
3⁽⁵⁾ parochial electors of the parish (*e*).
49 If the parish is divided into wards the Councillors for each ward are to be elected by the parochial electors registered in respect of qualifications within that ward. (*f*)

(*d*) Where there is no clerk to the Council the chairman will have the custody of all documents required to be under the control of the Council. See further, section 17⁽⁷⁾.

(*e*) For register of parochial electors, see sections 43 and 44.

(*f*) As to the division of large parishes into wards for the purposes of elections, see section 18.

Section

Parish Councillors In such case there will be a separate meeting and poll for 18⁽⁴⁾ each ward.

Qualification of The Councillors are to be chosen from among the 3⁽¹⁾ parochial electors of the parish, or persons who have resided in or within three miles of the parish during the whole of the twelve months preceding the election.

No person is disqualified from being a Councillor by 3⁽²⁾ reason merely of sex or marriage, but no one can be 46⁽¹⁾ elected or act (g) as a Councillor* if he :—

- (i.) Is an infant or alien ; or
- (ii.) Has within twelve months before his election or since his election received union or parochial relief or other alms ; or
- (iii.) Has within five years before his election or since his election been convicted, either on indictment or summarily, of any crime and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, and has not received a free pardon ; or
- (iv.) Has within five years before his election or since his election been adjudged bankrupt, or made a composition or arrangement with his creditors.

This disqualification, however, will cease in 46⁽⁴⁾ the case of bankruptcy, when the adjudication is annulled or when the bankrupt obtains his discharge with a certificate that his bankruptcy was caused by misfortune, without any misconduct on his part ; and in case of composition or arrangement, on payment by the debtor of his debts in full.

- (v.) Holds any paid office under the Council ; or 46⁽¹⁾

(g) If any person acts when disqualified, he will be liable on summary conviction to a fine not exceeding £20 for each offence. 46⁽⁸⁾

* No person who is under any of the above disqualifications can be elected or act as a member or chairman of the Council of any district (other than a borough), or of a Board of Guardians, or as a Vestryman in London (exclusive of the City), or as an auditor of the accounts of any such Vestry, or as a member of a District Board.

Section

- (vi.) Is concerned in any bargain or contract entered into with the Council, or participates in the profit of any such bargain or contract or of any work done under the authority of the Council (*h*). Parish
Councillors
Qualifi-
cation of.
- 6(2) But no person is to be disqualified by reason of his being interested :—
- (a) In the sale or lease of any lands or in any loan of money to the Council, or in any contract with the Council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges, or in the transport of materials for the repair of roads or bridges in his own immediate neighbourhood ; or
 - (b) In any newspaper in which any advertisement relating to the affairs of the Council is inserted ; or
 - (c) In any contract with the Council as a shareholder in any joint stock company, but he cannot vote at any meeting of the Council on any question in which such company is interested. In the case, however, of a water company or other company established for carrying on works of a similar public nature, this prohibition may be dispensed with by the County Council.
- 6(6) If a member of the Council is absent from meetings of the Council for more than six months consecutively, except in case of illness or for some reason approved by the Council, his office is, on the expiration of that period, to become vacant.
- 6(7) Where a member of the Council is disqualified from holding office or vacates his seat by absence, the Council are forthwith to declare the office vacant, and signify the fact by notice signed by three members, and countersigned by the clerk of the Council, and notified in such
- (h) This disqualification may, however, in the case of a *Parish Councillor*, be removed by the County Council, if they consider that such removal will be beneficial to the parish. 46(³).

Parish Councillors manner as the Council may direct. The office will thereupon become vacant.

Nomination and election The nomination and election of the Councillors (*i*) is to ³⁽¹⁾ be conducted in accordance with rules which are to be framed by the Local Government Board; see page 19.

The election is to be held at a Parish Meeting or at a ⁴⁸⁽¹⁾ poll consequent thereon. If a poll is taken, it is to be conducted in accordance with the provisions on page 18.

Date of election. The first election is to be held on the 8th Nov., 1894, ⁸⁴⁽¹⁾ or on such later date in 1894 as the Local Government Board may determine, but subsequent elections will ³⁽⁴⁾ be held about the beginning of April—the actual date for taking the poll being fixed by the rules referred ⁴⁸⁽²⁾ to above or by the County Council.

If any difficulty arises with respect to the election ⁴⁸⁽³⁾ of any individual Councillor, and there is no provision for holding a new election, the County Council may order a new election to be held.

With regard to the loan of appliances for the ⁴⁸⁽⁴⁾ election, see section 48(⁶) and page 114 as to the expenses of the election.

Acceptance of office. Every Parish Councillor must at the first meeting of ³⁽¹⁰⁾ the council after his election (or, if the council at the first meeting so permit, at a later meeting fixed by the council) sign, in the presence of some member of the council, a declaration that he accepts the office, and if he does not sign such a declaration, his office will be void.

Commencement of office. The term of office will commence on the 15th April ³⁽⁴⁾ in each year. But at the first election the councillors are ⁸⁴⁽²⁾ to come into office on the second Thursday after their election, or such other day within seven days before or after

(*i*) As to the removal of any difficulty that may arise in connection with the first election, see s. 80. With regard to elections in parishes which have been divided into wards under section 18, see the provisions of section 49.

Section

that date (*j*) as may be fixed by, or in pursuance of the Parish Councillors rules which are to be framed by the Local Government Board for the regulation of elections.

3⁽³⁾ The term of office of a Councillor is one year, but the first Councillors elected will not retire until the 15th April, 1896.

47⁽³⁾ A Councillor may, however, resign before the expiration of his year of office by giving a written notice to the chairman of the Council (*k*). On the other hand, he 47⁽²⁾ may, at the expiration of his term, offer himself for re-election.

47⁽¹⁾ If at the annual election any vacancies Vacancies unfilled at have not been filled by election, such number of the the annual retiring Councillors as have not been re-elected and are election. required to fill the vacancies, are, if willing, to continue in office.

47⁽¹⁾ The Councillors so to continue are those who were highest on the poll at the last election, or if the numbers were equal, or there was no poll, as may be determined by the Parish Meeting, or, if not so determined, by the chairman of the Parish Council.

47⁽⁴⁾ If any casual vacancy occurs in the office of Councillor, the Council must forthwith be convened for the purpose of filling the vacancy.

The person elected to fill the vacancy will retire from office at the time when the Councillor whose place he has taken would have retired in the ordinary course.

47⁽⁵⁾ If the Parish Council becomes unable to act owing to a want of Councillors (whether the want arises from failure to elect or otherwise), the County Council may order a new election, and may make such provision as seems expedient for authorizing some person to act temporarily in the place of the Council and of the chairman until such election is held.

(*j*) For date of first election, see section 84.
3⁽¹⁰⁾ (*k*) The notice may be left at or sent by post to his usual place of abode.

Subject to the provisions of the Act, (*u*) the Parish Meeting may regulate their own proceedings and business.

POWERS AND DUTIES OF THE MEETING.

The following are the powers, rights, and duties of the meeting :—

*Powers, etc.
of the
Vestry.*

1. All the powers, duties, and liabilities of the Vestry, except so far as they relate to the affairs of the Church (*v*) or to ecclesiastical charities, (*v*) and except such of the powers, etc., as have been transferred to any authority other than the Parish Council (*w*).

*Power and
duty of
appointing
overseers
and an
assistant
overseer.*

2. The power and the duty of appointing the overseers, and of notifying their appointment to the Guardians, also the power of appointing and revoking the appointment of an assistant overseer. See pages 42 and 43.

*Power of
appointing
trustees
of certain
charities.*

3. The power given by this Act to a Parish Council of appointing trustees of a charity in the place of the overseers or churchwardens. As to which, see page 54.

*Powers in
connection
with public
right of way*

4. The power given by this Act to a Parish Council to give or refuse their consent to the stopping or diversion of a public right of way, or the declaring of a highway to be unnecessary and not repairable at the public expense. See page 57.

*Power to
complain of
District
Council.*

5. The power also given by this Act to a Parish Council, of making a complaint to the County Council of any default by the District Council. See page 57.

¹ See pages 15 to 18.

² or definition, see section 75(²).

³ Powers, etc., of the Vestry under the Highway Acts have, in the parish, been transferred by this Act to the Rural District Council of the Vestry were in the case of urban parishes transferred to the urban sanitary authority (now the Urban District Council) of that year.

PARISH MEETINGS IN SMALL PARISHES.

6. As to the power of the Meeting to appoint in certain cases members of a joint committee to exercise authority under any of the Adaptive Acts where the authority under any of those Acts will not after the appointed day (*x*) be included in one small Act, parish, see page 42, note (*x*).
7. The accounts of all parochial charities (other than ecclesiastical (*y*)) which affect the parish are to be annually laid before the Meeting (*x*), and in the case of dole charities the names of the beneficiaries are to be published annually in such form as the Meeting think fit. See section 14^(z). The draft also of every scheme relating to a charity (not being an ecclesiastical charity) which affects the parish must be communicated to the chairman of the Meeting before the notice of the proposal to make an order for such scheme is published. See further, section 14^(z).
- 9^(w) Upon the application of the Meeting the County Council may confer on them any of the powers conferred by section 14^(x) on a Parish Council by this Act.
- 70 For the determination of any question which may arise as to whether any power, duty, etc., has been transferred to the Meeting or not, or whether any property is or is not vested in the chairman and overseers, see section 70.
- 19^(y) The Meeting may appoint a committee of their own number for any purposes which in the opinion of the Parish Meeting would be better regulated and managed by means of such a committee. All the acts of the committee will have to be submitted to the Parish Meeting for their approval.

With regard to the custody of parish documents, etc., see section 17^(z).

(*x*) See note (*v*) on page 15.

(*y*) For definition of "parochial" and "ecclesiastical charity" see section 75^(z).

(*z*) See further Appendix I, p. 128.

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All other public books, documents, etc., relating to the parish, are either to remain in their present custody or be deposited in such custody as the Parish Council may direct. The incumbent and churchwardens on the one hand and the Parish Council on the other, are to have reasonable access to all such documents—any dispute as to custody or access being settled by the County Council. Parochial electors may also inspect the books, see s. 58⁽⁴⁾⁽⁵⁾.

Where a parish is divided by virtue of the present Act the County Council may make an order providing for the application of the provisions relating to the custody of parish documents, to the different parts of that parish.

And where parishes are grouped, the order is to provide for the application of the said provisions so as to preserve the separate rights of each parish.

The County Council are from time to time to inquire into the way in which the Parish Council (or Parish Meeting if there is no separate council) are keeping the documents committed to their charge, and are to make such orders (*q*) as they think necessary for their preservation.

Service of Notices.

Services of notices.

Any notice required to be given to, or served on, the Council may be given to, or served on, their clerk.

As to publication of notices by the Council, see s. 51.

MEETINGS OF THE COUNCIL.

Number of meetings.

The Parish Council is to hold at least four meetings in each year, of which one is to be held on or within seven days of the 15th April (*r*) and is to be called the Annual Meeting.

All meetings are to be open to the public unless the Council otherwise direct.

Convening of meeting.

The first meeting is to be convened by the chairman of the Parish Meeting at which the first parish

(*g*) Such orders will not require confirmation by the Local Government Board. 40

(*r*) Or on the following day, if the 15th is a Sunday, Bank holiday, or Good Friday. s. 73.

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Councillors were nominated, or in his default, by the clerk of the Guardians (*s*).

3⁽¹⁰⁾ The chairman may at any time convene a meeting of the Council.

If the chairman refuses to convene a meeting after a requisition signed by two members of the Council has been presented to him, any two members of the Council may forthwith convene a meeting. If the chairman (without so refusing) does not within seven days after such requisition, convene a meeting, any two members of the Council may, on the expiration of that period, convene a meeting.

Three clear days at least before any meeting of the Council is held, a notice specifying the time and place of the intended meeting and the business to be transacted, signed by or on behalf of the chairman of the Council, or persons convening the meeting, must be given to every member of the Council. And in the case of the annual meeting, a notice specifying the like particulars must be given to every member of the Council immediately after his election.

Any notice required to be given to the chairman, or any other member of the Council, may be left at or sent by post to the usual place of abode of such chairman or member.

Place of Meeting.

4 For the purpose of their meetings the Parish Council have the same right to use certain rooms in the parish, and under the same conditions, as the parochial electors have,—as to which, see page 15.

61 No meeting can be held on premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available, either free of charge or at a reasonable cost.

(*s*) As to the removal of any difficulty that may arise with respect to the holding of the first meeting, see s. 80.

Parish
Councillors

In such case there will be a separate meeting and poll for 18⁽⁴⁾ each ward.

Qualifi-
cation of

The Councillors are to be chosen from among the 3⁽¹⁾ parochial electors of the parish, or persons who have resided in or within three miles of the parish during the whole of the twelve months preceding the election.

No person is disqualified from being a Councillor by 3⁽²⁾ reason merely of sex or marriage, but no one can be 46⁽¹⁾ elected or act (g) as a Councillor* if he :—

- (i.) Is an infant or alien ; or
- (ii.) Has within twelve months before his election or since his election received union or parochial relief or other alms ; or
- (iii.) Has within five years before his election or since his election been convicted, either on indictment or summarily, of any crime and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, and has not received a free pardon ; or
- (iv.) Has within five years before his election or since his election been adjudged bankrupt, or made a composition or arrangement with his creditors.

This disqualification, however, will cease in 46⁽⁴⁾ the case of bankruptcy, when the adjudication is annulled or when the bankrupt obtains his discharge with a certificate that his bankruptcy was caused by misfortune, without any misconduct on his part ; and in case of composition or arrangement, on payment by the debtor of his debts in full.

- (v.) Holds any paid office under the Council ; or 46⁽¹⁾

(g) If any person acts when disqualified, he will be liable on summary conviction to a fine not exceeding £20 for each offence. 46⁽⁶⁾

* No person who is under any of the above disqualifications can be elected or act as a member or chairman of the Council of any district (other than a borough), or of a Board of Guardians, or as a Vestryman in London (exclusive of the City), or as an auditor of the accounts of any such Vestry, or as a member of a District Board.

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- (vi.) Is concerned in any bargain or contract entered into with the Council, or participates in the profit of any such bargain or contract or of any work done under the authority of the Council (*h*).
 46(3) But no person is to be disqualified by reason of his being interested :—
- (a) In the sale or lease of any lands or in any loan of money to the Council, or in any contract with the Council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges, or in the transport of materials for the repair of roads or bridges in his own immediate neighbourhood; or
 - (b) In any newspaper in which any advertisement relating to the affairs of the Council is inserted; or
 - (c) In any contract with the Council as a shareholder in any joint stock company, but he cannot vote at any meeting of the Council on any question in which such company is interested. In the case, however, of a water company or other company established for carrying on works of a similar public nature, this prohibition may be dispensed with by the County Council.
- 46(4) If a member of the Council is absent from meetings of the Council for more than six months consecutively, except in case of illness or for some reason approved by the Council, his office is, on the expiration of that period, to become vacant.
- 46(7) Where a member of the Council is disqualified from holding office or vacates his seat by absence, the Council are forthwith to declare the office vacant, and signify the fact by notice signed by three members, and countersigned by the clerk of the Council, and notified in such

(*h*) This disqualification may, however, in the case of a *Parish Councillor*, be removed by the County Council, if they consider that such removal will be beneficial to the parish. 46(3).

The following are the powers, duties, and liabilities of the Parish Councils :—

1. Power of appointing :
(a) Overseers.

1. The power and duty of appointing each year at their annual meeting the overseers of the poor for the parish (*t*), and of filling, as soon as may be, any casual vacancy that may occur in the office of overseer, and of notifying the appointment in the prescribed form (*u*), to the Guardians of the Union, within three weeks after the 15th of April, or after the occurrence of the vacancy as the case may be. (*v*)

If the Council fail to appoint the overseers or fill a casual vacancy, or if having done so, they fail to give the requisite notice, the Guardians are to make the appointment or fill the vacancy, and in that case any overseer appointed by them will supersede any overseer previously appointed by the Council.

The Council may also appoint an additional number of persons to act as overseers in the place of churchwardens, since the latter are after the day on which the first Parish Councillors, elected under this Act, come into office, to cease to be overseers, and references in any Act to "churchwardens and overseers" are, as regards any rural parish, henceforth to be construed as references to the "overseers"—except so far as such references relate to the affairs of the Church.

The legal interest in all property vested either in the "overseers" or in the "churchwardens and overseers" (other than property connected with the affairs of the Church, or held for an ecclesiastical charity (*w*)) is, if there is a separate Parish Council for the parish to vest in that Council (*x*), subject of course to all trusts and liabilities affecting it. All persons concerned must con-

(*t*) If there is no separate Parish Council for the parish, the Parish Meeting 19 are to appoint the overseers at their annual meeting, see page 26.

(*u*) Prescribed by the Local Government Board, s. 75.

(*v*) Any such notice will be admissible as evidence that the appointment has been made.

(*w*) For definition of "ecclesiastical charity," see s. 75.

(*x*) If there is no separate Parish Council for the parish, such property is to become vested in the chairman of the Parish Meeting and the overseers, who are constituted a body corporate, see page 24.

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that date (*j*) as may be fixed by, or in pursuance of the Parish Councillors rules which are to be framed by the Local Government Board for the regulation of elections.

38⁽³⁾ The term of office of a Councillor is one year, but the Term of office.

78⁽³⁾ first Councillors elected will not retire until the 15th April, 1896.

47⁽³⁾ A Councillor may, however, resign before the expiration of his year of office by giving a written notice to the chairman of the Council (*k*). On the other hand, he 47⁽³⁾ may, at the expiration of his term, offer himself for re-election.

47(1) If at the annual election any vacancies on the Council Vacancies unfilled at have not been filled by election, such number of the annual election. retiring Councillors as have not been re-elected and are required to fill the vacancies, are, if willing, to continue in office.

47(1) The Councillors so to continue are those who were highest on the poll at the last election, or if the numbers were equal, or there was no poll, as may be determined by the Parish Meeting, or, if not so determined, by the chairman of the Parish Council.

47(4) If any casual vacancy occurs in the office of Coun- Casual cillor, the Council must forthwith be convened for the vacancies. purpose of filling the vacancy.

The person elected to fill the vacancy will retire from office at the time when the Councillor whose place he has taken would have retired in the ordinary course.

47⁽⁵⁾ If the Parish Council becomes unable to act owing to Removal of difficulties a want of Councillors (whether the want arises from caused by failure to elect or otherwise), the County Council may inability of order a new election, and may make such provision as act. seems expedient for authorizing some person to act temporarily in the place of the Council and of the chairman until such election is held.

(*j*) For date of first election, see section 84.
38⁽¹⁰⁾ (*k*) The notice may be left at or sent by post to his usual place of abode.

give a certificate, as provided in the Burials Act, 1855, in order to obtain the repayment of such expenses out of the poor rate. (b)

**4. Powers
of the
overseers.**

4. The powers, duties, and liabilities of the overseers, or of the churchwardens and overseers of the parish with respect to :—

- i. Appeals or objections by them in respect of the valuation list (c), or appeals in respect of the Poor Rate, or County Rate, or the basis of the County Rate. (d)

Appeals and objections in respect of the valuation list :—

If the Council think that their parish is aggrieved by the way in which the valuation list of any other parish in the Union has been made out, they may, after giving the necessary notices, take the objection before the Assessment Committee for the Union. (e) See section 18 of the Union Assessment Committee Act, 1862.

The Council have also, on giving the necessary notices, a right of appeal to Quarter Sessions. See section 32 of the above Act.

Appeals in respect of the Poor Rate :—

**6-7 Will.
iv. c. 96,
s. 6;
17 Geo. ii.
c. 28, s. 4;
(4 Geo. ii.
c. 23, s. 4.)**

Where any individual intends appealing to Special or to Quarter Sessions against any Poor Rate, the Council are entitled to a reasonable notice in writing, signed by such person, and stating the grounds of his objections.

(b) Section 18 of the Burials Act provides that where there is no fund legally chargeable with such expenses, they shall be repaid to the churchwarden upon the receipt of their certificate, by the overseers, out of the Poor Rate.

(c) The valuation list is a list of all the rateable hereditaments in a parish, shewing their annual value, which is made out by the overseers of each parish for the purpose of assessing the Poor Rate.

(d) The basis of the County Rate is prepared from time to time by the County Council (Local Government Act, 1888, section 3). If any alteration in the basis is made by the County Council, a copy of the new basis must be sent to the overseers for each parish in the county, together with a notice specifying the time when, and the place at which, objections may be made to the proposed basis. The new basis will not take effect until confirmed at Quarter Sessions. County Rates Act, 1852, section 14.

(e) Consisting of not less than six nor more than twelve Guardians for the Union

Appeals in respect of the County Rate or the basis thereof :—

If at any time, after the basis of the County Rate has been confirmed at Quarter Sessions, the Council think that their parish is aggrieved by such basis ; or if, after the County Rate has been made, they think that their parish is aggrieved by such rate, they may in either case, after giving the necessary notices, appeal to 15-16 Vict. e. 81. Quarter Sessions. See sections 17 and 22 of the County Rates Act, 1852.

- i. The provision of parish books (1), or of a vestry room (2), or parochial office (3), parish chest, fire engine and fire escape (4), or matters relating thereto ; (1) 58 Geo. III. c. 69, s. 2. (2) 13-14 Vict. c. 57, s. 4. (3) 24-25 Vict. c. 125, s. 1. (4) 30-31 Vict. c. 106, s. 29.
 - iii. The holding and management of parish property (not being property relating to the affairs of the church, or held for an ecclesiastical charity (f)), and the holding or management of village greens (1), or of allotments either for recreation grounds (2), or for gardens, or otherwise for the benefit of any of the inhabitants (g). (1) 20-21 Vict. c. 31, s. 12. (2) 39-40 Vict. c. 56, s. 25, 8-9 Vict. c. 118.
- 6(1) 5. The powers exerciseable with the approval of the Local Government Board by a Board of Guardians, with respect to the sale, exchange, or letting of any property belonging to a parish within the union.

Under the Workhouse Act, 1835, section 3, the Guardians of a parish or Union may sell, exchange, let, or otherwise dispose of, with the approbation, and subject to the rules and orders of the Local Government Board (h), land or other property belonging to the parish or Union or vested in trustees for the parish or Union, or for

(f) For definition of an "ecclesiastical charity." See section 75(2).

(g) With regard to allotments for the benefit of the poor, see—2-3 Will. IV. c. 42; 8-9 Vict. c. 118, sections 73-75, 92, 108-112; 36-37 Vict. c. 19; see also Allotments Act, 1887 (50-51 Vict. c. 48); and the Small Holdings Act, 1892 (55-56 Vict. c. 31).

(h) And with the consent of the majority of ratepayers and owners of property in the parish—in future with the consent of the Parish Meeting, see p. 21. This does not apply, however, to the Board of Guardians of a separate parish. Poor Law Act, 1889, s. 8.

the ratepayers or inhabitants thereof; and, in the case of a sale, may apply the proceeds :—

- i. Towards the purchase or building of a workhouse ; or,
- ii. As the contribution of the parish, towards keeping up any workhouse provided on behalf of the parish ; or
- iii. As a loan to the Board (upon the security of the rates) for the purpose of erecting a workhouse for the Union ; or
- iv. In liquidation of any debt contracted by the parish ; or
- v. As a contribution towards the payment of any debt contracted by the Union ; or
- vi. In such other manner, for the permanent advantage of the parish, as the Local Government Board may approve.

In the case of exchange, the property taken in exchange must be held upon the same trusts and conditions as the property given in exchange.

Additional powers of sale.

With regard to the "additional" power of the Council to sell, exchange, or let land vested in them, see page 53.

Power of Making Complaints as to Unhealthy Dwellings, etc.

Power of making complaint : 6(2)
 healthy or obstructive dwellings, as is conferred on inhabitant householders by the Housing of the Working Classes Act, 1890, but without prejudice to the powers of those householders.

(a) as to unhealthy dwellings. The above Act provides, that any four or more householders may make a complaint in writing to the medical officer of health for the district, with regard to any dwelling-house, in or near the street in which they live, the condition of which is so dangerous or injurious to health as to be unfit for human habitation, and that in such case, it shall be the duty of the medical officer to

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forthwith inspect the premises, and forward the complaint to the local authority (*i*), together with his opinion thereon, and if, within three months after receiving such complaint and opinion of the medical officer, the local authority declines or neglects to take the necessary proceedings, the householders may petition the Local Government Board for an enquiry.

With regard to obstructive buildings the above Act ^(b) as to provides that if any four or more inhabitant householders ^{obstructive buildings,} find that any building within their district, although not in itself unfit for human habitation, is so situated that by ^{53-54 Vict. c. 70, s. 38.} reason of its proximity to, or contact with, any other building, it causes one of the following effects—that is to say :—

- (a) Stops ventilation, or otherwise makes or conduces to make such other buildings to be in a state unfit for human habitation, or dangerous or injurious to health, or
- (b) Prevents proper measures from being taken for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings

they may represent to the local authority the particulars relating to such buildings.

Powers relating to Allotments.

6(^a) 7. The same power of making a representation with ^{Powers relating to} respect to allotments and of applying for the election allotments of allotment managers as is conferred on Parliamentary electors by the Allotments Acts of 1887 and 1890, but without prejudice to the powers of those electors.

The Allotment Act 1887 provides that any six ^{50-51 Vict. c. 48, s. 2.} Parliamentary electors in a parish may make a representation in writing to the Sanitary Authority (now the District Council) that the circumstances of the parish are such that it is the duty of the Sanitary Authority to take proceedings, and that the Sanitary Authority shall

(*i*) Now the District Council. See p. 59.

take the representation into consideration, and if after inquiry they are of opinion that there is a demand for allotments they shall take the necessary steps to provide them.

53-54 Vict.
c. 65, s. 2.

The Allotment Act, 1890, provides that if the Sanitary Authority fail to acquire land adequate and suitable in quality and position to provide a sufficient number of allotments, the six Parliamentary electors may petition the County Council (*j*), and if the County Council are satisfied after inquiry that land is required for allotments, they may themselves take the necessary steps for obtaining it. The land when thus acquired is to be vested in and managed by the Parish Council. See pages 101—105.

With regard to the election of allotment managers the Allotments Act, 1887, section 9, provides that upon the application of one-sixth or more of the Parliamentary electors of the parish for the constitution of allotment managers, the Sanitary Authority are to order an election of such managers, and that the managers so elected are to take the place of those (if any) appointed by the Sanitary Authority.

An election, however, will no longer be necessary, 6(4) for the present Act provides that where any Act constitutes any persons wardens for allotments, or authorizes or requires the appointment or election of any wardens etc., of allotments, the powers and duties of the wardens, are, after the Parish Council comes into office, to be exercised by the Parish Council, and that it shall not be necessary in future to make the appointment or to hold the election.

55-56 Vict.
c. 81, s. 16.

Moreover, in cases where a County Council delegate 6(4) to a committee their powers with regard to the management, etc., of Small Holdings (*k*) under the Small

(*j*) A Standing Committee is appointed annually by the County Council to consider such petitions. Allotments Act, 1890, section 3.

(*k*) Small Holding means land which exceeds one acre, and either does not exceed 50 acres or if exceeding 50 acres, is for the purposes of the income tax, of an annual value not exceeding £50, which has been acquired by the County Council for persons who desire to buy and will themselves cultivate the holding.

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Holdings Act, 1892, two members of the Parish Council are in future to be appointed as members of such committee in the place of two allotment managers under the Allotments Act, 1887.

Powers in connection with the Adoptive Acts.

7(5) 8. The power of executing any of the Adoptive Acts adopted for the whole or part of the parish, either after the appointed day (*l*) or before that day if the area of the existing authority executing the Act is co-extensive with the area of the parish. If the areas are

53(2) not co-extensive the following provisions are to apply :—

Where the area under any existing authority is comprised either—

(*a*) In more than one rural parish; or

(*b*) In several rural parishes and an urban district (*m*); the powers and duties of the authority are to be transferred in the first case to the Parish Councils (*n*) of the several parishes, and in the second case to the Councils of the several parishes, and to the District Council of the urban district, and are to be executed by a joint committee appointed by those Councils, until some other provision is made in pursuance of this Act.

53(4) The County Council, on the application of the Council, may by order (*o*) alter the boundaries of any such area if they consider that the alteration can properly be made without any undue alteration either of the incidence of liability to rates or of the right to property belonging to the area, regard being had to any corresponding advantage to persons subject to the liability or entitled to the right.

53(1) Where any of the Adoptive Acts are in force in part only of a parish, the existing authority or the Parish

(*l*) For definition, see section 84.

(*m*) For definition of urban district, see page 59.

(*n*) If any such parish has no Parish Council the Parish Meeting is to be substituted for the Parish Council. 53(2)

(*o*) A copy of every order made by the County Council must be sent to the Local Government Board, and if the order alters any local area a copy must also be sent to the Board of Agriculture. 71.

Meeting for that part may transfer the powers and duties of the authority to the Parish Council, subject to any conditions as to their execution by a committee which the authority or Parish Meeting may think fit to impose ; and any such conditions may be altered by the Parish Meeting.

The property, debts, and liabilities of any authority ⁵³⁽³⁾ under any of the Adoptive Acts, whose powers have been transferred to the Parish Council, are to continue to be the property, debts, and liabilities of the area of that authority, and, where that area is situated in more than one parish, they are to be apportioned in such manner as may be necessary, see section 53⁽³⁾.

No alteration is made by the present Act in the way ⁷⁽⁶⁾ in which expenses incurred under any of the Adoptive Acts are to be defrayed ; but where the consent, etc., of the Vestry was formerly required in relation to any expense or rate, the consent, etc., of the Parish Meeting instead of the Vestry must now be obtained.

Subject to the provisions of the Act with regard to ¹²⁽³⁾ borrowing (as to which, see p. 119), the Parish Council may borrow for the purposes of any of the Adoptive Acts, but the money must ultimately be repaid out of the rate applicable to the purposes of that Act.

9. The Parish Council have also the following additional powers, namely, power—

- (1.) To provide or acquire buildings for public offices, and for meetings for any purposes connected with the parish business, or with the powers or duties of the Parish Council or Meeting (*p.*) .
- (2.) To provide or acquire land for such buildings or for a recreation ground and for public walks (*p.*). (As to the acquisition of land, see Chap. VII.).
- (3.) To apply to the Board of Agriculture under section 9 of the Commons Act, 1876.

(*p.*) For these purposes the Council may borrow money. See page 119.

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Commons Act, 1876, section 9 :—“The Board of Agriculture shall, from time to time, upon application made by the persons interested in any common, issue in such form as they may deem expedient, information and direction, as to the mode in which application for the regulation or inclosure of commons under the Inclosure Acts, 1845 to 1868, as amended by this Act, are to be made to the Board of Agriculture, with such explanations as they may think fit with respect to the law for the regulation and inclosure of commons, and the persons so interested may apply accordingly in the manner directed by the Board.”

Where any persons have, under the Commons Act, 1876, applied to the Board of Agriculture for the inclosure and regulation of a common, they must, under the present Act, serve a notice of the application upon the Parish Council of every parish in which the common or any part of it is situated, in order, apparently, that the Council may appear at the local inquiry and before the Board, and make any representation they think proper as to whether it is expedient or not to make such inclosure.

8 (4.) To exercise with respect to any recreation ground (*q*), village green, open space or public walk which is for the time being under their control, or to the expense of which they have contributed, the following powers :—

(a.) To make bye-laws (*r*), including the right to provide under any bye-law for the removal by a constable or officer of the Council of any person infringing any of the bye-laws ; (*s*)

(*q*) See page 106, as to the duty of the Council to appoint a committee to exercise their powers and duties in relation to any recreation ground, building or property held for the benefit of a part of a parish, where such part has a defined boundary. 56(²)

(*r*) In accordance with the provisions of sections 183 to 186 of the Public Health Act, 1875, for which see Appendix C, on page 190.

(*s*) Public Health Act, 1875 ; section 164, incorporated by section 8(1)^a of the Act.

Miscella-
neous
powers.

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(b.) To close to the public on such days as they think fit (other than a Sunday or public holiday, and not exceeding twelve days in any one year, nor four consecutive days on any one occasion), any park or pleasure ground provided by them; and to use, or grant the use of it, either gratuitously or for payment, to any public charity or institution, or for any agricultural, horticultural or other show, or for any other public purpose.

Admission on such days to be, either with or without payment, as may be directed by the Council in the former case, or in the latter case (subject to the consent of the Council) by those to whom the park or pleasure ground may be granted. (t)

(c.) To provide and let for hire, or license any person to let for hire, pleasure boats on any piece of water in any pleasure ground under their control, and to make bye-laws for the numbering and naming of such boats, and the number of persons to be carried in each, and for fixing the rates of hire and the qualification of boatmen, and for securing their good and orderly conduct while in charge of the boats. (t) As to the power of making bye-laws, see note (r) on p. 51.

(5.) To utilise any well, spring or stream within their parish, and to provide facilities for obtaining water therefrom (u), but so as not to interfere with the rights of any corporation or person.

(t) Public Health Acts Amendment Act, 1890, see section 44, incorporated by section 8(¹⁴)d of the Act.

(u) Land for the purpose of any supply of water can only be acquired by the Council, by voluntary agreement, see section 9(¹⁵). The District Council, however, are in no way relieved from their obligations with respect to the supply of water. 8(¹⁵)

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- (6.) To deal with any pond, pool, open ditch, drain, or place containing, or used for the collection of any drainage, filth, stagnant water, or matter likely to be prejudicial to health, by draining, cleansing, covering it, or otherwise preventing it from being prejudicial to health, but so as not to interfere with any private right, or the sewage or drainage works of any local authority (*a*).
- (7.) To acquire by agreement any right of way either within their parish or in an adjoining parish, the acquisition of which is beneficial to the inhabitants of the parish or any part thereof (*b*).
- (8.) To accept and hold any gifts of property, real or personal, for the benefit of the inhabitants of the parish or any part thereof.
- (9.) To execute any works (including works of maintenance or improvement) incidental to, or consequential on, the exercise of any of the foregoing powers or in relation to any parish property not being property relating to the affairs of the church, or held for an ecclesiastical charity.
- (10.) To contribute towards the expense of doing any of the things above mentioned, or to combine with any other Parish Council to do or contribute towards the expense of doing any of them.
- 8⁽²⁾ 10. The power of letting, or with the consent of the Parish Meeting, of selling or exchanging any land or buildings vested in the Council. Power of letting, etc., parish property.

But the power of letting for more than a year, and the power of selling or exchanging cannot be exercised, in the case of property which has been acquired at the expense of any rate, or is, at the passing of the Act,

(*a*) The District Council, are not in any way relieved from their obligation to execute sanitary works. 8⁽³⁾.

(*b*) The Council can only acquire land for any right of way by voluntary agreement, see section 9⁽¹⁵⁾.

applied in aid of any rate, or would, but for want of income be so applied, without the consent of the Local Government Board, or in any other case without such consent and approval as is required under the Charitable Trusts Acts, 1853 to 1891, for the sale of charity estates. The consent of the Charity Commissioners is not, however, required for the letting for allotments of land vested in the Parish Council.

Powers relating to public property and charities.

11. Powers in connection with public property and 14⁽¹⁾ charities (c):—

(1) Where trustees (d) hold any property for the purpose of a public recreation ground, or public meeting, or of allotments for the benefit of the inhabitants of the parish, under the Inclosure Acts or otherwise, or for any public purpose connected with the parish (except an ecclesiastical charity (e)), they may, with the approval of the Charity Commissioners, transfer the property to the Council, or to persons appointed by them. If the Council accept the transfer, they (or their appointees (g)) are to hold the property subject to the same trusts and conditions as the trustees held it.

(2) Where the overseers of the parish (or the church-wardens, in the case of a charity other than an ecclesiastical charity (e)) are as such, either alone or jointly with any other persons, trustees (d) of any parochial charity, the Council (f) may appoint members of the Council or other persons (g) (not exceeding in number the number of overseer trustees) to be trustees in the place

(c) Neither the trusteeship, nor control of any elementary school, is in any way affected by this Act. For definition of elementary school, see section 75.

(d) For the definition of trustee, see section 75.

(e) For the definition of parochial and ecclesiastical charities, see section 75.

(f) If the parish has no separate Parish Council, the Parish Meeting are to exercise the power. 19⁽²⁾.

(g) While a person is trustee of a parochial charity, neither he nor his wife nor any of his children can receive any benefit from the charity. 14⁽³⁾

ion

of the overseers or churchwardens, as the case may be.

- (3) Where the governing body of a parochial charity, other than an ecclesiastical charity, does not include any persons elected by the ratepayers or parochial electors, or inhabitants of the parish, or appointed by the Parish Council or Meeting, the Parish Council may appoint additional members of the governing body, not exceeding the number to be allowed by the Charity Commissioners in each case; and if the management of any such charity is vested in a sole trustee, the number of the trustees may, with the approval of the Charity Commissioners, be increased to three, one of whom may be nominated by such sole trustee, and one by the Parish Council or Parish Meeting. The provisions of the present Act are not, however, in any way to prejudicially affect the power or authority of the Charity Commissioners, under any of the Acts relating to charities, to settle or alter schemes for the better administration of any charity.
- (4) Where the Vestry of a parish are entitled, under the trusts of a charity, other than an ecclesiastical charity, to appoint any trustees or beneficiaries of the charity, the Council are in future to appoint the trustees, and they (or their nominees) are also to appoint the beneficiaries.

The term of office of trustees appointed by the Council is to be four years, but of the trustees first appointed one-half, as nearly as may be (to be determined by lot) are to go out of office at the end of two years from the date of their appointment, but will be eligible for re-appointment.

The above provisions with respect to the appointment of trustees (except where such power has been transferred from the Vestry) are not to apply to any charity

Powers
relating to
public pro-
perty and
charities.

Powers relating to public property and charities,

until the expiration of forty years from the date of its foundation, or in the case of charities founded before the passing of the present Act by donors, any one of whom is living at the passing of the Act, until the expiration of forty years from the passing of the Act, unless with the consent of the surviving donor or donors.

Where several parishes are grouped together under a 38⁽³⁾ common Parish Council, the grouping order is to provide for the application of the above provisions with respect to the appointment of trustees and beneficiaries, so as to preserve the separate rights of each parish. And where a parish is divided by the present Act, the 36⁽³⁾ County Council may make an order (*h*) providing for the application of the above provisions relating to the appointment of trustees and beneficiaries to each of the different divisions.

Any question which may arise as to the appointment 70⁽²⁾ of the trustees or beneficiaries of a charity, or as to the persons in whom the property of a charity is vested, is at the request of any person interested to be determined by the Charity Commissioners, subject to an appeal to the High Court within three months after such decision.

The names of the beneficiaries of dole charities are to be published annually in such form as the Council see fit. See section 14⁽⁶⁾.

And, further, the draft of every scheme relating to a charity (not being an ecclesiastical charity) which affects a rural parish, must be communicated to the Council of that parish before the notice of the proposal to make an order for such scheme is published. See section 14⁽⁵⁾.

Rights over footpaths.

12. Subject to the provisions of the Act with respect 13⁽²⁾ to restrictions on expenditure (*i*), the Council may undertake the repair and maintenance of all or any of the public footpaths in the parish, other than footpaths at the side of a public road. But this provision is not to relieve

order will not require confirmation by the Local Government require the approval of the Charity Commissioners. See ss.36⁽³⁾, 40, : 114.

Section

any other authority or person from their liability with respect to such repair and maintenance.

- 13⁽¹⁾ 13. The consent of the Parish Council is required for Rights in connection with right of way.
the stopping or diversion of a public right of way within the parish (*j*), or to a declaration that a highway within the parish is unnecessary for public use, and not repairable at the public expense.

If the Parish Council resolve to give their consent they must give public notice of their resolution, which, however, will not operate :—

- (a) Unless it is confirmed by the Council at a meeting held not less than two months after the public notice is given ;
- (b) If a Parish Meeting held before the confirmation resolve that the consent ought not to be given.

- 26⁽⁴⁾ 14. Where there has been an unlawful obstruction to Complaint as to
any public right of way within a rural district, or an obstruction of right
adjoining district, in the county in which the district is of way, etc.
situated, or an unlawful encroachment on any road-side waste within a rural district, the Council have the right to represent the case to the District Council (whose duty it is to protect public rights of way and road-side wastes), and if they refuse or fail to take proceedings, the Parish Council may petition the County Council, who, if they think fit, may themselves do what is necessary in the matter. For provisions applicable in such case, see s. 63.

15. The Council of any parish within a contributory place are entitled to have notice given them by the District Council under which the parish is governed, before the latter enter into any contract for the sewerage works or water supply of the contributory place.

- 16⁽¹⁾ 16. If the District Council fail—

- 1. To provide sufficient sewers or maintain existing sewers ; or
- 2. To supply sufficient and wholesome water (where such can be got at a reasonable cost) ; or

(j) The consent of the District Council must also be obtained.

3. To perform their duties under the Public Health Acts ; or
4. To maintain and repair any highway in a good and substantial manner,

the Parish Council are entitled to represent the matter to the County Council, who may, if they think fit, either do what is necessary themselves (*k*), or may appoint someone to perform the duties of the defaulting District Council. See section 16(²).

Application for grant of additional powers to District Council. 17. Lastly, the Council may apply to the Local Government Board to confer on the District Council for the district in which the parish is situated with respect to the parish, or any part of it, all or any of the powers given by the Public Health Act, 1875, to the Council of an urban district. (*l*)

Any powers which, under the Public Health Acts,¹⁵ may be delegated to a parochial committee, may, under this Act, be delegated by the District Council to the Parish Council, and where under the Public Health Acts a District Council may appoint a parochial committee, consisting partly of their own members and partly of other persons, those other persons are in future, if the Parish has a separate Council, to be selected from the members of the Parish Council.

Settlement of disputes. With regard to the settlement of any question that may arise as to whether any power, duty, etc., has, or has not, been transferred under this Act, see section 70.

(*k*) For provisions applicable in cases where the County Council have taken over powers of the District Council, see section 63.

(*l*) Under Section 276 of that Act.

CHAPTER IV.
DISTRICT COUNCILS.

ection

Prior to the passing of the present Act, England (exclusive of the Metropolis) was for sanitary purposes divided into districts called respectively *:—

I. URBAN SANITARY DISTRICTS.

II. RURAL SANITARY DISTRICTS.

I. An URBAN SANITARY DISTRICT was either :—

- i. A Borough, with the mayor, aldermen, and burgesses acting in council as the sanitary authority ; or
- ii. An Improvement Act District, with the Improvement Commissioners as the sanitary authority ; or
- iii. A Local Government District, with a Local Board as the sanitary authority.

II. A RURAL SANITARY DISTRICT was the area of any Union (a) of parishes of which no part was within the area of any Urban Sanitary District. In a Rural Sanitary District the Board of Guardians acted as the sanitary authority.

Under the present Act, Urban Sanitary Districts ^{Urban and} (other than Boroughs) and Rural Sanitary Districts are ^{rural} districts. ^{districts.}
21 after the appointed day (b) to be called Urban and Rural Districts respectively. The areas of existing districts

* Public Health Act, 1875.

(a) The Poor Law Amendment Act, 1834, sect. 26, empowered the Poor Law Commissioners (now the Local Government Board) to combine several parishes and to form a "Union" for Poor Law purposes.

(b) For definition of appointed day, see section 84.

Urban
and rural
District
Councils.

remain practically the same as before. See, however, Chapter X. on Areas and Boundaries.

In an urban district the existing Urban Sanitary Authority (*c*) (unless it be the council of a borough (*d*)) is after the above date to be called an Urban District Council, whilst in every rural district there is to be a newly constituted body called a Rural District Council, which will take the place of the existing sanitary authority, *i.e.*, the Guardians—both for sanitary and poor law purposes. See page 82 as to Guardians.

Urban Sanitary Districts.

Table
showing the
alterations
made by the
present
Act.

	Name of District.		Authority.	
	Under the present Act.	Before the present Act.	Before the present Act.	Under the present Act.
Same as before the Act.	Borough.	Mayor, Aldermen, Burghesses acting in council.	Same as before the Act.	
Urban District.	Improvement Act District. Local Government District.	Improvement Commissioners. Local Board.		The Urban District Council.

Rural Sanitary Districts.

Rural District.	Union of parishes, of which no part is within the area of any urban sanitary district.	The Guardians.	The Rural District Council.
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Retirement
of existing
Authorities.

The existing Rural Sanitary Authorities (*i.e.*, Boards of Guardians) and members of Urban Sanitary Authorities (for districts other than boroughs) and of Highway Boards (*e*), are to continue in office until the day on which the first elected District Councillors come into office (*f*), as if the term for which they were originally

(*c*) As to authorities with powers in connection with harbours, see s. 65.

(*d*) The style or title of the corporation or the council of a borough is not in any way altered. Section 21⁽¹⁾.

(*e*) Highway Boards in the rural districts are abolished. See section 25.

(*f*) See section 84⁽²⁾.

Section

elected did not expire until that day, and no further elections are to be held in the meantime except for filling casual vacancies or electing additional Guardians.

I.—URBAN DISTRICT COUNCILS.

The following are the alterations made by the present Act with regard to the constitution, etc., of District Councils (*g*) in urban districts (other than boroughs).

Chairman and Vice-Chairman.

The provisions given on page 67 with regard to the chairman and vice-chairman of a Rural District Council apply equally in the case of an Urban District Council.

Councillors.

²⁸⁽¹⁾ There are in future to be no *ex officio* or nominated members of the Council. The disqualification arising

²⁸⁽²⁾ from sex or marriage is now abolished ; and any person can be elected who is a parochial elector (*h*) of any parish within the district, or has resided in the district during the whole of the twelve months preceding the election, provided he or she is not under any of the disqualifications mentioned on page 32. All existing enactments relating to the qualification of a member of an Urban Sanitary Authority are repealed as from the day fixed for the first election under this Act.

²³⁽³⁾ Urban District Councillors are to be elected by the ~~Elected by~~ parochial electors of the parishes in the district, whereas formerly the members of the Urban Sanitary Authority

(*g*) Any District Council may, with the sanction of the County Council change their name and the name of their district. Section 55(³).

75 (*h*) The expression "parochial elector," when used with reference to a parish in an urban district, means any person who would be a parochial elector of the parish if it were a rural parish, as to which, see page 13.

Section

Councillors were elected by the ratepayers and owners in the parishes.

If the district is divided into wards the Councillors for each ward are to be elected by the parochial electors registered in respect of qualifications within the ward.

Nomination and election. The provisions given on page 70 with regard to the nomination and election of Rural District Councillors are equally applicable to the election of Urban District Councillors.

Voting at election. The system of cumulative voting (*i*) is now abolished,²³⁽⁴⁾ and in future each elector is to have one vote and no more for each of any number of persons not exceeding the number to be elected.

Acceptance of office. Every qualified person elected as a Councillor must⁴⁸⁽⁴⁾ within five days after receiving notice of his election, sign a declaration accepting the office (*j*). For the form of declaration, see page 71.

The District Councillors first elected under this Act⁸⁴⁽²⁾ are to come into office on the second Thursday after their election or on such other day within seven days before or after that date as may be fixed by the Local Government Board under their rules for the regulation of elections, as to which see page 19.

Commencement and term of office. The term of office of a Councillor is to be three years,²³⁽⁶⁾ and one-third, as nearly as may be, of the Council, and if the district is divided into wards one-third, as nearly as may be, of the Councillors for each ward, are to go out of office on the 15th of April in each year (*k*), and their places are to be filled by newly elected Councillors.

(*i*) Under the old system of cumulative voting ratepayers and owners were entitled to vote according to the following scale:—

In respect of property rated to the poor rate on a rateable value of:—

Less than £50	1 vote.
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Over £50, but under £100	2 votes.
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Over £100	"	£150	3 votes.
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and so on in proportion up to a limit of 6 votes.

(*j*) Municipal Corporations Act, 1882, section 34.

(*k*) Of the Councillors first elected under this Act, the third who are to retire first will not go out of office till the 15th of April, 1896. Section 79⁽³⁾.

Section

- 28⁽⁶⁾ The County Council may however, on request made by a resolution of any Urban District Council, passed by two-thirds of the members voting on the resolution, direct that the members of that Council shall retire together on the 15th of April in every third year. Where an urban district is in more than one county, an order may be made by the joint committee of the Councils of those counties. Councillors
- 79⁽⁶⁾ Of the first Councillors elected under this Act the third who are to retire in the first and second years respectively is to be determined according to their place on the poll at the election, those who were lowest on the poll retiring first. If there was no poll, or if a question arises between two or more Councillors in consequence of an equality of votes, the question is to be determined by ballot, conducted under the direction of the Council.
- 79⁽⁷⁾ If the district is divided into wards the above provisions with respect to retirement will apply separately to each ward.
- 48⁽⁴⁾ A District Councillor may at the expiration of his term of office, present himself for re-election. Re-eligibility.

A District Councillor may at any time by writing Resignation signed by him and delivered to the clerk of the Council resign his office on paying to the Council a fine of such amount not exceeding £50 as the Council by bye-law determine, or if there is no bye-law determining fines, then a fine of £25 (*1*).

Casual vacancies on an Urban District Council are to be filled in the same manner as casual vacancies on a Rural District Council, as to which see page 73.

- 50⁽⁵⁾ If the Council becomes unable to act from failure to elect or otherwise, the County Council may order elections to be held and may appoint persons to form the Council until the newly elected members come into office. Removal of difficulties caused by inability of Council to act.

OFFICERS OF THE COUNCIL.

(See page 74).

(1) Municipal Corporations Act, 1882, section 36.

MEETINGS AND PROCEDURE.

The provisions of the Act relating to meetings of Rural District Councils and the procedure thereat, which are given on page 75, apply equally in the case of Urban District Councils.

POWERS AND DUTIES OF THE COUNCIL (*m*).

The following powers, duties, and liabilities have been transferred to the Councils of Urban Districts (whether boroughs (*n*) or not) :—

Powers of Justices.

1. The powers, duties, and liabilities, specified on ^{27¹} page 79, which formerly belonged to Justices out of Session (*o*).

Powers of Quarter Sessions.

2. The powers, duties, and liabilities, of Quarter ^{27¹} Sessions in relation to the licensing of knacker's yards (*o*), see note (*e*) on page 79.

Duty of protecting rights of way, etc.

3. The duty of protecting rights of way and of ^{26¹} preventing encroachments on any roadside waste within their district (*o*). See p. 80. The powers, exercisable by an Urban Sanitary Authority at the passing of the Act are not, however, to be prejudiced in any way.

Powers in connection with Adoptive Acts.

4. Where there is in an Urban District or in any ^{62¹} part of it, any authority constituted under any of the Adoptive Acts, the Council of the district may resolve that the powers, duties, property, debts, and liabilities of that authority shall be transferred to the Council as from the date specified in the resolution, and upon that

(*m*) As to the transfer of property, debts and liabilities in cases where powers and duties have been transferred to the Council, see section 67; and section 68 as to the adjustment of property and liabilities in such cases. See further section 86 with reference to the payment of debts incurred by authorities whose powers, etc., have been transferred, and sections 87, 88, with reference to existing bye-laws, etc., of, and contracts made or entered into by, such authorities.

(*n*) But not including County Boroughs, unless expressly so stated. "County Boroughs" are either boroughs which before 1888 were Counties of themselves, or boroughs with a population of over 50,000 inhabitants, which under, or by virtue of, the Local Government Act, 1888, have for purposes of county government been created Counties under the control of separate Councils.

(*o*) These powers, etc., have also been transferred to the Councils of County Boroughs.

Section

62⁽²⁾ date the same shall be transferred accordingly. After the appointed day (*p*) none of the Adoptive Acts can be adopted for any part of an urban district without the approval of the Council of that district.

9⁽³⁾ 5. The power of purchasing land compulsorily in certain cases. The provisions given on page 92, with regard to the compulsory purchase of land by the Parish Council are equally applicable in the case of a compulsory purchase of land by the Council of an urban district for the purpose of allotments, except that the order is in the latter case to be carried out by the 9⁽¹⁸⁾ District Council instead of by the County Council, and if the district is a County Borough the order must be both made and confirmed by the Local Government Board.

33 6. The Local Government Board may, on the application of the Council of any Municipal Borough, including a County Borough (*q*) or of any other urban district, make an order conferring on that Council, or some other representative body within the borough or district, all or any of the following matters, namely, the appointment of overseers (*r*) and assistant overseers, the revocation of appointment of assistant overseers, any powers, duties, or liabilities of overseers, and any powers or duties of a Parish Council, and applying, with the necessary modifications, the provisions of this Act with reference thereto. See further, section 33.

Where an order is made conferring the powers, duties, and liabilities of the overseers, or the power to appoint overseers or assistant overseers, that order or any subsequent order of the Board may confer on the

34 Council the powers of the Vestry under sections 3 and 4 <sup>32 33 Vict.
c. 41.</sup> of the Poor Rate Assessment and Collection Act, 1869, which provide that the Vestry of any parish may, from time to time, order that the owners of all heredita-

(*p*) The day to be fixed by the Local Government Board for the coming into office of the first Councillors under the present Act, see section 84⁽²⁾.

(*q*) For explanation of County Borough, see page 64, note (*n*).

(*r*) As to the appointment of overseers, see section 50.

ments (*s*) rated at a value not exceeding £8 (*t*) shall be rated to the poor rate in respect of such hereditaments instead of the occupiers.

In such case the overseers are to allow the owners a deduction of 15 per cent., with a further deduction of 15 per cent. to any owner who may agree in writing to pay the rate for not less than a year, whether the property is occupied or not.

Before rescinding the order the Vestry must give six months notice.

In addition to their ordinary duties the District Council may be employed by the County Council as their agents, in the transaction of any administrative business, or matters arising in, or affecting the interests of their district.

*Settlement
of disputes
as to trans-
fer of
powers.*

With regard to the settlement of any dispute that may arise as to whether any power, duty, etc., has, or has not been transferred to the District Council, see section 70.

*Consent of
Justices no
longer ne-
cessary for
sale of cer-
tain land.*

With regard to the powers of the Council in connection with highways (*u*), see section 52 (*s*), which authorizes the sale of land allotted to a parish for the purpose of supplying materials for repairing highways on the consent of the District Council only, and renders the consent of the justices unnecessary.

EXPENSES.

With regard to the payment of expenses incurred by the Council, see pages 114 and 116, and as to the auditing of their accounts, see page 121.

(*s*) In which a dwelling-house is included.

(*t*) Or in the Metropolis £20. In Liverpool £13. In Manchester or Birmingham £10.

(*u*) The powers of a highway authority were conferred on the Urban Sanitary Authority by the Public Health Act, 1875, section 144.

II.—RURAL DISTRICT COUNCILS.

lection

- 4(1) THE District Council of every rural district is to consist of a chairman and of Councillors elected by the parishes, or other areas in the district.(a)
- 4(7) Every Rural District Council is to be a body corporate by the name of The —— District Council. (b) If there is any doubt as to the name, the question is to be settled by the County Council. The District Council is to have perpetual succession and a common seal, and may hold land for the purposes of their powers and duties, without license in mortmain. See note (u), p. 24.

Constitu-
tion of
Rural Dis-
trict Coun-
cil.

CHAIRMAN.

- 4(1) The chairman, who is to be appointed by the Councillors each year at their annual meeting, need not necessarily be one of the Councillors, but he must not be under any of the disqualifications mentioned on page 32.
- 9(1) Should the chairman die, resign or become incapable of acting before the expiration of his year of office, the Council must appoint some one in his place for the unexpired portion of his term.
- 2 The chairman, unless a woman or personally disqualified by any Act,(c) will by virtue of his office be a Justice of the Peace for the county in which the district is situated ; but before acting as a justice he will have to take, if he has not already done so, the oaths required by law to be taken by a Justice of the Peace, except the oath relating to qualification by estate.

(a) Namely, by the parishes or other areas for which Guardians were formerly elected, section 24(1).

(b) Any District Council may, with the sanction of the County Council, change their name and the name of their district, see further, section 55(3).

(c) A person convicted of any corrupt practice at a Parliamentary or Municipal Election is disqualified for seven years from the date of his conviction. A sheriff of a county cannot, during his term of office, act as a Justice of the Peace for that county. A solicitor cannot be a Justice of the Peace for the county in which he practices, unless it is a city or town which is a county of itself, but in that case he is disqualified from being a Justice of the Peace for the county within which the city or town is situate.

Vice-chairman.

Vice-chairman. The Council may also, if they think fit, appoint a ⁵⁹⁽²⁾ vice-chairman to hold office until the next annual meeting. In the absence of, or during the inability of, the chairman, the vice-chairman will have the powers and authority of the chairman.

COUNCILLORS.

Councillors Number of. The number of councillors for each parish or area ²⁴⁽²⁾ in the district, is to be the same as the number of Guardians for that parish or area.

Where a parish has been divided by this Act into two ⁷⁹⁽²⁾ or more new parishes, there is, subject to any order made by the County Council, to be a District Councillor for each of such new parishes.

Where the sanitary district is, on the appointed day, ²⁴⁽²⁾ situated in more than one administrative county, (*e*) each part is, after that date, to become a separate district, but subject to any alterations which may afterwards be made. See Chap. X., on Areas and Boundaries.

Should the number of Councillors for any such district be less than five in number, the Local Government Board may either by order nominate a sufficient number of persons to make up the number to five, or they may by order, direct that the affairs of the district shall be temporarily administered by the District Council of an adjoining district, with which it was united before the appointed day, and if they so direct, the Councillors of the district are to be entitled, so far as regards those affairs, to sit and act as members of that District Council. (*f*)

(*d*) The day on which the Councillors first elected under this Act come into office. See section 84(²).

(*e*) An "Administrative County" is the area for which a separate County Council is elected.

(*f*) In such case, a separate account is to be kept of receipts and expenses in respect of the district, and the same are to be credited or charged separately to the district. Section 24(²).

Section

60(1) The County Council may from time to time by order, Alteration of number, fix or alter the number of Councillors for each parish, and for that purpose may exercise powers of adding parishes to each other, or dividing them into wards, similar to those which under the Poor Law Acts are for the purpose of the election of Guardians vested in the Local Government Board. (g)

60(2) Where the district is situated in more than one county, the above power is to be exercised by a joint committee of the Councils of the counties concerned, (h) and if any of the Councils do not appoint members to act on such joint committee within two months after request from any other Council concerned, the members of the committee actually appointed are to act as if they constituted the joint committee.

21(1) There are to be no nominated or *ex officio* members Qualification of. 20(1) of the Council, but no person is disqualified from being 20(2) elected as a District Councillor either by sex or marriage.

Any person may be elected who :—

- i. Is a parochial elector of a parish within the district ; or
- ii. Has resided within the district during the whole of the twelve months preceding the election ; and
- iii. Is not under any disqualification mentioned on page 32.

40(3) A person who is disqualified from being a Guardian will also be disqualified from being a Rural District Councillor.

24(1) The District Councillors for each parish are to be Elected by. 20(2) elected by the parochial electors of that parish, or if the parish is divided into wards, the Councillors for each ward

(g) The Local Government Board may unite with another parish in the Union, any parish with a population under three hundred, the rateable value of which does not exceed the average rateable value of the other parishes in the same Union. They may also, having due regard to the value of the rateable property therein, divide any parish into wards. 31, 32 Vict., c. 122, section 6; 39, 40 Vict., c. 61, section 12.

(h) If any order made by a joint committee is within six weeks after the making thereof objected to by any of the County Councils concerned (or by any committee authorized by those Councils to act in the matter), it will be of no effect until confirmed by the Local Government Board. Section 60(3).

Councillors are to be elected by such of the parochial electors as are registered in respect of qualifications within the ward.

As to division of large parishes into wards, see page 69, note (g).

Nomination and election. The nomination and election of the Councillors is to be conducted in accordance with rules, which are to be framed by the Local Government Board. As to which, see further, page 19.

Subject to any adaptations or alterations which may be made by such rules, the following provisions are to apply. (i)

1. If the number of valid nominations is the same as that of vacancies, the persons nominated shall be deemed to be elected.
2. If the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and such of the retiring Councillors as were highest in the poll at their elections, or if the poll was equal, or there was no poll, as may be selected by the Council for that purpose, shall be deemed to be re-elected to make up the required number.
3. If there is no valid nomination, the retiring Councillors shall be deemed to be re-elected.

Date of election. The first election is to be held on the 8th Nov. 1894, or on such later date in 1894 as the Local Government Board may fix, but subsequent elections will be held early in April (j)—the actual day for taking the poll being fixed by the above rules.

The existing Sanitary Authorities are to take the necessary measures for the conduct of the first election of the District Councillors, including the appointment of the returning officer, if required to do so under the above rules of the Local Government Board.

If any difficulty arises, in respect to the election of any individual Councillor, and there is no provision for holding another election, the County Council may order

(i) Municipal Corporations Act, 1882, s. 56.
(j) See "commencement of term," p. 72.

Section

a new election to be held, and give such directions as Councillors may be necessary for the purpose of holding the election.

80 As to the removal of any difficulty that may arise in connection with the first election of District Councillors, see section 80.

With regard to the loan of appliances for an election, see section 48(6), and page 114, as to the expenses of the election.

24(4) Each elector may give one vote and no more for each Voting at election.
20(4) of any number of persons not exceeding the number to be elected.

48(4) Every qualified person who has been elected as a Acceptance of office. Councillor must accept the office by making and subscribing before two District Councillors, or the clerk to the Council, the following declaration (*j*), within five days after notice of his election :—

I, A. B., having been elected Councillor for the district of —, hereby declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

If the person elected does not accept the office he will have to pay to the Council a fine of such amount, not exceeding £50, as the Council may by bye-law determine, or if there is no bye-law determining fines, a fine of £25. Such fine will be recoverable summarily.

The above provisions, however, do not apply to any person who—

(*a*) Is disabled by lunacy, imbecility of mind, or by deafness, blindness, or other permanent infirmity of body ; or

(*b*) Is over the age of 65, or having within five years before the day of his election either served the

(*j*) Municipal Corporations Act, 1882, section 34. No person enabled by law to make an affirmation instead of taking an oath is liable to any fine for non-acceptance of office, by reason of his refusal, on conscientious grounds, to take any oath, or make any declaration required by the Act, or to take on himself the duties of the office. Non-acceptance of office creates a casual vacancy. Municipal Corporations Act, 1882, section 36.

Councillors

office or paid the fine for not accepting it, has claimed exemption within five days after notice of his election ; or

(c) Is otherwise exempt by law. (k)

The District Councillors first elected under the present Act are to come into office on the second Thursday after their election, or on such other day within seven days before or after that date (l) as may be fixed by the Local Government Board, under their rules for the regulation of elections.

Commencement and term of office.

The term of office of a Councillor is to be three years, 24⁽⁴⁾ and one-third, as nearly as may be, of the Council are to go out of office on the 15th of April in each year, and their places are to be filled by the newly-elected Councillors. (m) If, however, on the application of the Council, the County Council consider that it would be expedient to do so, they may direct that the members of the Council shall retire *together* on the 15th of April in every third year. Where the district is in more than one county, an order may be made by a joint committee of the Councils of those counties.

Moreover, where at the passing of this Act, the whole 24⁽⁴⁾ of the Guardians of any Union in a rural district—in 20⁽⁶⁾ pursuance of an order of the Local Government Board—retired *together* at the end of every third year, the District Councillors, who now take their place, are to continue so to retire unless the County Council, upon the application of the District Council, otherwise direct.

For the purpose of regulating the retirement of the 60⁽²⁾ Councillors in cases where they retire by thirds, and in order that as nearly as may be one-third of the Councillors

(k) The following persons are exempt by law : (1) Officers in the army on full pay ; (2) Men enrolled in and officers under the Reserve Forces Act, 1882 ; (3) Postmaster General and officers of the post-office ; (4) Officers of Inland Revenue and Customs ; (5) Registered medical practitioners and dentists ; (6) Inspectors of factories.

(l) For date of first election, see page 70.

(m) Of the Councillors first elected, the third, who are to retire first, will not go out of office till the 15th April, 1896. The County Council are to determine which of the Councillors shall retire in 1896 and 1897 respectively. 79⁽³⁾.

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shall retire in each year, the County Council may direct Councillors in which year or years of each triennial period the Councillors for each parish, ward, or other area in the district, shall retire.

48(3) If the district is situated in more than one county, the power is to be exercised by a joint committee of the counties concerned, but if any of those Councils do not, within two months after request from any other Council concerned, appoint members of such joint committee, the members of the committee actually appointed are to act as if they were the joint committee. (n)

48(4) A Councillor may, on the expiration of his term of office, present himself for re-election ; on the other hand, he may resign his office before the expiration of his term for any cause which the Local Government Board may deem reasonable. (o)

48(5) If a casual vacancy in the Council occurs within six months before the ordinary day of retirement from the office in which the vacancy occurs, no election is to be held for the purpose of filling it until the next ordinary election.

But if the vacancy occurs before that date, an election must be held by the same persons and in the same manner as an ordinary election. (p)

The person elected will hold office until the time when the person in whose place he has been elected would, in the ordinary course, have gone out of office.

If there is more than one casual vacancy to be filled at the same election, the Councillor elected by the largest number of votes is to be considered as elected in the place of the Councillor who would have been the last to retire if he had remained in office for his full term,

(n) If any order made by a joint committee is, within six weeks after the making thereof, objected to by any of the County Councils concerned (or by any committee authorized by those Councils to act in the matter), it will be of no effect until confirmed by the Local Government Board.

(o) 5, 6 Vict. c. 57, sec. 11; 34, 35 Vict. c. 70.

(p) The election must be held within fourteen days after notice in writing has been given by two parochial electors to the chairman or clerk of the council.—Municipal Corporations Act, 1882 sections 40, 66.

and the Councillor who is second on the poll is to be considered as elected in the place of the Councillor who would have been the last but one to retire, and so on with respect to the others.

If there has not been a contested election, or if any doubt arises, the Council are to determine the order of rotation.

OFFICERS OF THE COUNCIL.

Where the powers and duties of any authority other ⁸¹⁽¹⁾ than Justices have been transferred by this Act to the Council, the officers of that authority are to become the officers of the Council (*q*), and hold their office under the same tenure, terms, and conditions as before, and while performing the same duties at a salary not less than they had before.

Any existing officer who has suffered pecuniary loss ⁸¹⁽⁷⁾ by being thus transferred, will be entitled to compensation as provided by the Local Government Act, 1888, section 120, for which see Appendix D, page 191.

Where a rural sanitary district has been divided by ⁸¹⁽⁸⁾ this Act, any officer for the district thus divided, is to continue to act for each division so formed, his salary being borne by the respective districts in proportion to their rateable value.

Removal of difficulties caused by inability of Council to act. If the Council becomes unable to act from failure to ⁵⁹⁽⁵⁾ elect or otherwise, the County Council may order an election to be held, and may appoint persons to form the Council until the newly-elected members come into office.

MEETINGS.*

First Meeting.

The first meeting (*r*) is to be convened by the return- ⁷⁹⁽⁹⁾

(*q*) For the above purpose a body appointing a surveyor of highways is to be deemed a highway authority, and any paid surveyor to be an officer of that body.

* The Council may from time to time make regulations with respect to the summons, notice, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of their business. ⁵⁹⁽¹⁾.

(*r*) As to the removal of any difficulty that may arise in respect to the holding of the first meeting, see section 80.

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59⁽¹⁾ing officer, and is to be held at such place and on such day (not being more than ten days after the completion of the election) as the returning officer may by a written notice to each member of the Council appoint.

59⁽¹⁾ An annual meeting is to be held as soon as convenient after the 15th April in each year, as well as a meeting at least once in each month, and at such other times as may be necessary. Number of Meetings.

Place of Meeting.

59⁽³⁾ The Council are entitled to use, at all reasonable hours, for the purpose of their meetings and proceedings the board-room of any Board of Guardians for the Union comprising their district. If any question arises as to what hours are reasonable, it is to be determined by the Local Government Board.

61 No meeting of the Council can be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such meeting, either free of charge or at a reasonable cost.

*Procedure at Meetings.**

59⁽¹⁾ At their first meeting the Council are to appoint some one to act as chairman at that meeting, and also to elect from their own body or otherwise a chairman for the year. (As to the election of chairman, see page 67.)

No business can be transacted at any meeting unless at least one-third of the full number of members of the Council are present; but in no case can a larger quorum than seven members be required.

The chairman, or in his absence the vice-chairman (if one has been appointed), will preside at all meetings at which he is present.

If the chairman and vice-chairman are both absent

* The Council may from time to time make regulations with respect to the summons, notice, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of their business. 59⁽¹⁾.

from the meeting at the time appointed for holding it, the members present may appoint one of their number to act as chairman of that meeting.

Decision of questions.

Every question is to be decided by a majority of votes of the members present and voting on that question. If there is an equal division of votes the chairman is entitled to a second or casting vote.

Votes to be recorded.

The names of the members present, as well as those voting on each question, are to be recorded so as to show whether each vote given was for or against the question.

Minutes of proceedings

Any minute made of proceedings at a meeting, and copies of any orders made or resolutions passed at a meeting, if purporting to be signed by the chairman of the meeting at which such proceedings took place or such orders were made or resolutions passed, or by the chairman of the next meeting, will be received as evidence in all legal proceedings; and until the contrary is proved, every meeting in respect of the proceedings of which minutes have been so made, will be deemed to have been duly convened, and all the proceedings thereat to have been duly taken.

Validity of proceedings

The proceedings of the Council are not to be invalidated by any vacancy or vacancies among the members, or by any defect in the election or selection or qualification of any member of the Council.

POWERS AND DUTIES OF THE COUNCIL. (a)

**Appoint-
ment of
Committees**

The Council may appoint committees to exercise any ⁵⁶, power which, in their opinion, can properly be exercised ⁵⁷ by committees (see Chap. IX., on Committees), and may

(a) Where a rural sanitary district and a rural parish are co-extensive, then until the district is united to some other district, there is to be no Parish Council, but the District Council are to have in addition to their ordinary powers the power of, and are to be deemed, the Parish Council. ^{36(4).}

Section

- 15 delegate to the Parish Council any powers which may be delegated to a parochial committee under the Public Health Acts. When the Council appoint a parochial committee consisting partly of members of their own body and partly of other persons, those other persons are to be selected from the Parish Council.

The following are the powers, rights and duties of the Council under this Act (*b*) :

- 24⁽³⁾ 1. The powers, duties, and liabilities of the Guardians Powers of
for the Union or district. *Guardians.*

The present Act provides that the District Councillors appointed for any parish or other area in a rural district are in future to be the representatives of that parish or area on the Board of Guardians, and that when acting in that capacity they shall be deemed to be Guardians of the Poor. Guardians, as such, will, therefore, no longer be elected in rural districts. [For provisions relating to Guardians, see page 82.]

- 25⁽¹⁾ 2. The powers, duties, and liabilities of the Rural Powers of
Sanitary Authority in the district, and also such of the authority.

- 25⁽⁵⁾ powers, duties, and liabilities of an Urban Sanitary Authority, under the Public Health Acts, (*c*) or any other Acts, as the Local Government Board may by order direct.

- 25⁽⁶⁾ Any such order must be forthwith laid before
25⁽⁷⁾ Parliament.

The power to make such general orders is in addition to the powers conferred on the Board by section 276 of the Public Health Act, 1875, which are exercisable by them on the application of the County Council, or with respect to any parish or part of a parish, on the application of the Parish Council of that parish.

3. The powers, duties, and liabilities of any highway Powers of

(*b*) See section 67 as to the transfer of property, debts, and liabilities in cases where powers and duties have been transferred, and section 68 as to the adjustment of debts and liabilities in such cases. See further, section 86, with reference to the payment of debts incurred by authorities whose powers, etc., have been transferred, and sections 87 and 88, with reference to existing bye-laws of, and contracts made or entered into by, such authorities.

(*c*) This expression includes ss. 7—10 of the Housing of the Working Classes Act, 1885.

highway authority. authority in the district, (c) together with the following 25⁽¹⁾ powers, etc., conferred on urban sanitary authorities by sections 144, 148, of the Public Health Act, 1875, with regard to highways :—

- i. Powers of surveyors of highways and of Vestries (d) under the Highways Act, 1835;
- ii. Power to enter into agreements as to the making of new public roads ;
- iii. Power to construct or adopt public bridges, etc., over or under canals, etc.;
- iv. Power to enter into agreements with turnpike trustees as to repair, etc., of roads.

The provisions of the above sections are set out in full in Appendix C, page 188.

The County Council may, however, postpone the exercise of the above powers by the District Council for a term not exceeding three years after the latter come into office, or for such further period as the Local Government Board, on the application of the County Council, may allow.

As to the meaning of "appointed day," in such cases, see s. 84⁽⁴⁾; and with regard to the election of a Highway 25⁽²⁾ Board and Highway Surveyors during the interval, see extract from Local Government Board circular, p. 199.

Where a highway repairable by the occupier or occupiers of land adjacent to it, appears on the report of a competent surveyor not to be in proper repair, and the person liable fails to repair it after being requested to do so by 25⁽⁴⁾ the Council, the latter may themselves do the repairs and recover the expenses incurred from the person liable.

Formerly, if any part of a parish was included in an urban district, the part not included was, with certain

(c) Highway Boards are no longer to exist. As to the retirement of existing members, see page 60. For provisions as to taking over highways, the expenses of repairing which were before the appointed day charged on a parish or other area, and not on a district, see section 82.

(d) In future, the consent of the District Council (standing in the place of the Vestry) will be sufficient authority for the sale of land belonging to a parish, which has been used for the purpose of supplying materials for the repair of highways, and for the purchase of lands with the proceeds of any such sale, the consent of the Justices being now unnecessary by virtue of section 52⁽⁸⁾ of the present Act.

Section

exceptions, also considered to be and treated as part of the urban district, for all purposes connected with the repairs, etc., of highways ; in future, however, such part is to be considered as part of the rural district, if the district is, for highway purposes, under the control of a District Council.

27⁽¹⁾ 4. The powers, duties, and liabilities of Justices out Powers of Justices.
of Session relating to :—(e) -

- (a.) The licensing of gang masters ; (f)
- (b.) The grant of pawnbrokers' certificates ;
- (c.) The licensing of dealers in game ;
- (d.) The grant of licenses for passage brokers and emigrant runners ;
- (e.) The abolition of fairs and alteration of days for holding fairs ;
- (f.) The execution, as the local authority, of the Acts relating to petroleum and infant life protection.

27⁽²⁾ 5. The powers, duties, and liabilities of Quarter Ses. Powers of Quarter Sessions in relation to the licensing of knacker's yards. (e) Sessions.

26⁽²⁾ 6. The power of aiding, with the consent of the County Council, any persons in maintaining rights of common where in the opinion of the District Council the extinction of such rights would be prejudicial to the inhabitants of the district. (g)

The Council may also, with the like consent, exercise in relation to any common within their district, all such powers as may under section 8 of the Commons Act, 1876, be exercised by an Urban Sanitary Authority in relation to any suburban common, that is to say, any common situated wholly or partly within any town or within six miles of it (for section 8 of the above Act, see Appendix H, page 197).

If any application is made to the Board of Agriculture in relation to any common within the district, the appli-

(e) All fees payable in respect of such powers, etc., are to be paid to the District Council.

(f) A gangmaster means any male or female who hires children, young persons, or women, with a view to their being employed in agricultural labour on lands not in his or her own occupation.

(g) For the purpose of carrying into effect the above provision the District Council may institute or defend any legal proceedings and generally take such steps as they deem expedient 26⁽³⁾.

cants must serve on the Council a notice of their application.

Duty of :-
(a) protecting rights of way.

7. The duty of protecting all public rights of way, and of preventing as far as possible the stopping or obstruction of any public right of way where such right of way, whether within their district or in an adjoining district in the same county, is of such a nature that the stoppage or obstruction thereof would in their opinion be prejudicial to the interests of the district. (f) No public right of way can be stopped up or diverted without the consent of the District Council.

(b) Preventing unlawful encroachments.

It is also the duty of the Council to prevent any unlawful encroachment on any roadside waste within their district. (g)

If the Parish Council represent to the District Council that any public right of way within the district, or an adjoining district in the same county, has been stopped or obstructed, or that there has been an unlawful encroachment on any roadside waste within the district, it will be the duty of the District Council, unless satisfied that the allegations contained in such representation are incorrect, to take proper proceedings. If they refuse, or fail to take proceedings the Parish Council may petition the County Council, and if that Council so resolve, the above powers and duties of the District Council may be transferred to them. (h)

Any proceedings or steps taken by a District or County Council in relation to any alleged right of way are not to be deemed unauthorized if such right of way is subsequently found not to exist.

Power of purchasing land compulsorily.

8. The power of purchasing land in certain cases compulsorily.

The provisions given on pages 92—97, with regard to

(f) For the purpose of carrying into effect the above provision, the District Council may institute or defend any legal proceedings and generally take such steps as they deem expedient. 26(8).

(g) This provision is not in any way to affect the powers of the County Council in relation to roadside wastes on main roads, which are now under the control of the County Council. Local Government Act, 1888, section 11(1).

h) In which case the provisions of section 63 will apply.

Section

the compulsory purchase of land by the Parish Council are equally applicable in the case of a compulsory purchase of land by the District Council for the purpose of allotments, except that the order in the latter case is to be carried into effect by the District Council instead of the County Council.

- 16⁽³⁾ 9. Lastly, it is the duty of the Council if they have determined to adopt plans for the sewerage or water supply of any contributory place (*i*) within their district to give notice thereof to the Parish Council of any parish for which the works are to be provided before any contract is entered into by them for the execution of the work.

- 61 In addition to their ordinary duties the Council may also be employed by the County Council as the agents of the latter in the transaction of any administrative business or in any matter arising in or affecting the interests of their own district.

- 70⁽¹⁾ With regard to the settlement of any question that may arise as to whether any power, duty, etc. has, or has not, been transferred under the Act, see section 70⁽¹⁾.

EXPENSES.

With regard to the payment of expenses incurred by the Council, see pages 114 and 116, and as to the auditing of their accounts, see page 121.

(i) For definition of "contributory place," see Appendix C, page 191.

CHAPTER V.

GUARDIANS.

Provisions relating to Guardians apply also to London and County Boroughs.

Section

THE provisions of the present Act relating to ³⁰ Guardians, apply to Guardians in all urban districts including the administrative County of London (*a*) and County Boroughs (*b*).

In rural districts (*c*) the District Councillors are to act ^{24⁽³⁾}

⁽³⁾ as the Guardians of the poor for their respective districts, see page 77, Guardians, therefore, *as such* will no longer be elected in rural districts.

Retirement of existing Boards.

The existing Boards of Guardians are to retire upon ^{79⁽⁸⁾⁽⁸⁾ the day on which the Guardians first elected under the present Act come into office (*d*), but until then they are to continue to hold office as if the term for which they were originally elected did not expire until that day, and no further elections are to be held except for the purpose of filling casual vacancies or electing additional members.}

The following are the provisions of the Act which relate to Guardians:—(*e*)

No *ex officio* Guardians.

In the first place there are to be no *ex officio* or ^{20⁽¹⁾⁽¹⁾ nominated Guardians.}

Guardians empowered to co-opt.

But a Board of Guardians are empowered to elect ^{20⁽⁷⁾⁽⁷⁾ from outside their own body two persons to be members of the Board.}

Appointment of chairman and vice-chairman.

The Board may elect as chairman either one of their ^{20⁽⁸⁾⁽⁸⁾ own body or some person from outside the Board. They may also elect in the same way a vice-chairman, who will hold office during the term for which the chairman is appointed, and will, during the latter's absence or inability to act, exercise his powers and authority.}

(*a*) For explanation, see page 88.

(*b*) For definition of "county borough," see page 64, note (*n*).

(*c*) For explanation, see page 59.

(*d*) For which, see page 85.

(*e*) As to Guardians within the City of Oxford, see page 85.

Section

20⁽⁷⁾ All persons thus elected must be qualified to be Guardians of the Union, and will be additional members of the Board. And if, at the first election, a sufficient number of persons who have actually served as *ex officio* or nominated Guardians of the Union are willing to act, the additional members are to be elected from among those persons.

59⁽¹⁾ The chairman is to be elected each year at the annual meeting, which is to be held as soon as convenient after the 15th April (*f*).

Subject to the above alterations the number of Guardians remains the same as before, except that where 79⁽²⁾ a parish has been divided by the present Act into two or more new parishes, there is, subject to any order made by the County Council, to be a Guardian for each of such new parishes.

20⁽²⁾ All existing enactments relating to the qualification of Guardians are repealed, and any person, male or female, whether married or not, may be elected who :—

- i. Is a parochial elector of some parish in the Union; or
- ii. Has during the whole of the twelve months preceding the election resided in the Union; and in the case of a Guardian for a parish wholly or partly situated within the area of a borough (whether a county borough (*g*) or not) any person who—
- iii. Is qualified to be elected a Councillor for that borough.

Provided that such persons are not under any of the disqualifications mentioned on page 32.

20⁽³⁾ Instead of being elected by the ratepayers and owners of property in the Union, Guardians are in future to be elected by the parochial electors (*h*) of the parish (*i*).

20⁽⁵⁾ The nomination and election of Guardians is, subject to the provisions of this Act, to be conducted according to rules which are to be framed by the Local Government

Board, as to which, see page 19.

(*f*) Should the chairman die, resign, or become incapable of acting before the expiration of his year of office, the Council must appoint some one to act in his place until the next annual meeting. 59^(l)

(*g*) For explanation of "county borough," see page 64, note (*n*).

(*h*) For explanation of "parochial elector," see page 13.

(*i*) If the parish is divided into wards the Guardians for each ward are to be elected by such of the parochial electors as are registered in respect of qualifications within the ward.

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Guardians.**Municipal Corporations Act, 1882, sec. 56.**

Subject to these rules the following provisions are to apply with regard to the nomination of Guardians :—(j)

1. If the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected.
2. If the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and such of the retiring Guardians for the borough or ward as were highest on the poll at their election, or, if the poll was equal, or there was no poll, as are selected for that purpose by the Board, shall be deemed to be re-elected to make up the required number.
3. If there is no valid nomination, the retiring Guardians shall be deemed to be re-elected.

Date of election.

The first election of Guardians under this Act is to be held on the 8th November, 1894, or on such later date in 1894 as the Local Government Board may fix, but subsequent elections will be held early in April (l)—the actual date of taking the poll being fixed by the above rules.

The existing Boards of Guardians are to take the necessary measures for the conduct of the first elections under this Act, (k) including the appointment of the returning officer, if required to do so under the above rules.

If any difficulty arises in respect to the election of any individual Guardian, and there is no provision for holding another election, the County Council may order a new election to be held, and give such directions as may be necessary for that purpose.

With regard to the loan of appliances for an election, see section 48(6), and page 114, as to the expenses of the election.

Voting at election.

The old system of cumulative voting (see note (i),

(j) Municipal Corporations Act, 1882, section 56, incorporated by section 48(4).

(k) As to the removal of any difficulty which may arise in connection with the first election under this Act, see section 80.

(l) See "Term of office," page 85.

Section

20⁽⁴⁾ page 62) is now abolished, and in future each elector may Guardians.
give one vote and no more for each of any number of
persons not exceeding the number to be elected.

28⁽¹⁾ Every qualified person who has been elected as a Guardian must sign a declaration accepting the office. The provisions given on page 71, with regard to the acceptance of office by Rural District Councillors, are equally applicable in the case of Guardians.

28⁽²⁾ The Guardians first elected under this Act are to come into office on the second Thursday after their election, or on such other day within seven days before or after that date (*l*) as may be fixed by the Local Government Board, under their rules for the regulation of elections.

20⁽⁶⁾ The term of office of a Guardian is in future to be three years. (*m*) One-third as nearly as may be, of the Board are to go out of office on the 15th of April in each year (*n*)—their places being filled by the newly-elected Guardians. If, however, on the application of any Board of Guardians, the County Council consider that it would be expedient to do so, they may direct that the members of the Board shall retire together on the 15th of April in every third year. (*o*) Where a Union is in more than one county, an order may be made by a joint committee of the Councils of those counties.

20⁽⁶⁾ Where at the passing of the present Act the whole of the Guardians of any Union, in pursuance of an order of the Local Government Board, retired together at the end of every third year, they are to continue to retire in the same way unless the County Council (or a joint committee of the County Councils), on the application of the

(*l*) For date of first election, see page 84.

(*m*) Prior to the present Act Guardians were appointed annually, unless the Local Government Board otherwise ordered. Poor Law Amendment Act, 1834, section 41.

(*n*) Of the Guardians first elected under this Act, the third who are to retire first, will not go out of office till the 15th of April, 1896. The County Council are to determine which of the Guardians are to retire in 1896 and 1897 respectively, 79⁽⁴⁾.

(*o*) In such case the Board first elected under this Act are to retire on the 15th of April, 1898, 79⁽⁵⁾.

Guardians. Board of Guardians or of any District Council of a district wholly or partially within the Union, otherwise direct.

The provisions given on page 72, with reference to the 60⁽²⁾ power of the County Council to regulate the retirement of Rural District Councillors in cases where they retire by thirds, apply also to the retirement of Guardians.

Re-eligibility. A Guardian may at the expiration of his term of office, present himself for re-election; on the other hand,

Resignation. he may resign before the expiration of his term of office, for any cause which the Local Government Board deem reasonable. (p)

Casual vacancies in office of. Casual vacancies on a Board of Guardians are to be 48⁽¹⁾ filled in the same way as casual vacancies in a District Council—for which, see page 73.

Number of Guardians may be altered. The County Council may from time to time fix or 60⁽²⁾ alter the number of Guardians for each parish within their county, in the same way as they may fix or alter the number of District Councillors in rural districts—as to which, see page 69.

Election in wards. Where under any Local and Personal Act Guardians 60⁽¹⁾ of a poor law Union are elected for divisions, whether called by that name or not, the provisions of this Act with respect to the election of Guardians are to apply as if each of the districts were a parish.

Saving as to Oxford. Nothing in the present Act is to alter the constitution 60⁽²⁾ of the corporation of the Guardians of the poor in the city of Oxford, or the election or qualification of the members thereof, except those members who are elected by the ratepayers of parishes. (q)

MEETINGS AND PROCEDURE.

The provisions given on page 74, with reference to 59⁽¹⁾ the meetings of Rural District Councils and the procedure thereat, apply equally to meetings of Guardians. (q)

(p) 5, 6 Vict., c. 57, s. 11; 34, 35 Vict., c. 70.

(q) The powers, however, of the Local Government Board with respect to the proceedings of Guardians, are in no way to be affected. 59⁽⁴⁾

Section

Place of Meeting.

- 51 No meeting can be held on premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such meeting, either free of charge or at a reasonable cost.

PROVISIONS AFFECTING CERTAIN POWERS EXERCISEABLE BY A BOARD OF GUARDIANS.

- 50 If the Parish Council (^r), whose duty it is to appoint the overseers of the parish, fail to do so for three weeks after the 15th April in any year, or if in the case of a casual vacancy in the office of overseer, they fail to fill it for three weeks after the vacancy has occurred, or if in either case they make the appointment but fail to notify the fact to the Guardians of the Union comprising the parish, the Guardians may make the appointment or fill the vacancy, as the case may be. See further, section 50.

- 51⁽⁶⁾ On the other hand, the right of appointing assistant overseers, which was formerly vested in the Guardians of the Union, has now been transferred to the Parish

Councils of the respective parishes within the Union.

- 50⁽⁵⁾ Where the Guardians of a Union had, before the passing of this Act, powers and duties under any Local and Personal Act, the Guardians for that Union, when elected in pursuance of this Act, are to have the same powers and duties, unless it is otherwise provided by an order of the Local Government Board, made upon the application of those Guardians.

(r) Or Parish Meeting if there is no separate Council for the parish. See page 25.

CHAPTER VI.

*GUARDIANS, VESTRIES, AND DISTRICT
BOARDS IN THE ADMINISTRATIVE
COUNTY OF LONDON.*

Meaning of "THE Administrative County of London" is the name given to the Metropolis by the Local Government Act, 1888 (under which County Councils were created), and is used in that Act instead of the word Metropolis, when referring to the area controlled by the London County Council.

With regard to the Metropolis, the present Act has made certain alterations in connection with the election of:—

- I. The Guardians.
- II. The Sanitary Authorities.

I. GUARDIANS.

Provisions relating to guardians set out on page 82. The provisions of the Act with respect to Guardians are the same both for the Administrative County of London and elsewhere. It will only be necessary, therefore, to refer to the provisions given on page 82 with respect to Guardians generally.

II. SANITARY AUTHORITIES.

Definition of "The Metropolis." Before dealing with the alterations which have been made by the present Act, it may be advisable to define "The Metropolis," and state who are the Sanitary Authorities therein.

18, 19 Vict. c. 120. The Metropolis under the Metropolis Management Act, 1855, consists of:—

- i. The City.
- ii. Parishes mentioned in Schedules A and B of that Act. (a)
- iii. Places mentioned in Schedule C of that Act (a) (which are extra parochial).

(a) For which see Appendix E, page 103.

Section

The following are the sanitary authorities in the Metropolis as provided by the Public Health Act (London), 1891* :—

Sanitary authorities in the Metropolis.
54, 55 Vict.
c. 76.

1. In the City of London.

The Commissioners of Sewers.

2. In parishes (other than Woolwich) mentioned in Schedule A.

The Vestry.

3. In the parish of Woolwich.

The Local Board of Health. (b)

4. In the districts mentioned in Schedule B.

The District Board for the district elected by the Vestries of the respective parishes in the district.

5. In places mentioned in Schedule C.

The Board of Guardians, or the overseers if there is no Board of Guardians.

The alterations made by the present Act only affect

- i. Vestries,
- ii. District Boards.

Alterations
made by the
present
Act.

I. VESTRIES.

The following are the alterations with regard to Vestries :—(c)

³¹⁽¹⁾ In future there is to be no *ex officio* chairman of such Vestries. In parishes mentioned in Schedule A

³¹⁽²⁾ the chairman is to be chosen each year at the first meeting after the annual election, and is (subject to the conditions contained in section 22) to be by virtue of his office a Justice of the Peace.

³¹⁽³⁾ If the chairman so appointed is absent from a meeting, the Vestry before proceeding to business will have to elect some one to take his place.

³¹⁽⁴⁾ Formerly, the qualification of a Vestryman in the Qualifica-

²³⁽²⁾ Metropolis was based on occupation and payment of certain rates; now, however, any person, male or female (whether married or not), who is either a parochial elector

* Any sanitary authority in London may now apply to the Local Government Board [sec. 33(⁶)] for all or any of the powers mentioned in sec. 33 of the present Act.

(b) The Local Board of Health for Woolwich, prior to the Public Health (London) Act, 1891, consisted of eighteen elected members, and three persons nominated by the Superintendent of H.M. Dockyard, the Commanding Royal Engineer, the Store Keeper of H.M. Ordnance, and the Commanding Officer for the time being of the Royal Artillery.

(c) The following provisions also apply to the Local Board of Health of Woolwich.

of the parish or has resided in the parish during the whole of the twelve months preceding the election, may be elected, provided that such person is not under any of the disqualifications mentioned on page 32, and all other enactments relating to the qualification of Vestrymen are repealed.

Qualification of the electors.
18, 19 Vict. c. 120, s. 16.
Conduct of the election.

The Vestrymen are now to be elected by the parochial electors (*d*) instead of by the ratepayers of the parish.

The election in future is to be conducted according to rules which are to be framed by the Local Government Board, as to which, see page 19.

The existing Vestrymen are to take the necessary measures for the conduct of the first election under the present Act.

As to the removal of difficulties which may arise in connection with elections, see sections 48⁽⁵⁾ and 80.

Each elector will be entitled to one vote, and no more, for each of any number of persons not exceeding the number to be elected.

The first election is to be held on the 8th November, 1894, or on such other day in 1894 as the Local Government Board may fix, but future elections will be held as heretofore, on such day in May as the Vestry may appoint.

If there is a poll it is to be by ballot and must begin at 8 a.m. and be kept open till 8 p.m., and no longer.

The provisions given on pages 71—73, relating to (1) Acceptance of office, (2) Resignation, (3) Re-eligibility of holders of office, and (4) The filling of casual vacancies of District Councillors and also the provisions on page 114 relating to the payment of expenses incurred in connection with their election are equally applicable in the case of Vestrymen elected under the Metropolis Management Act, 1855.

The Vestrymen first elected under this Act are to come into office on the second Thursday after their election or on such other day within seven days before or after that date as may be fixed by the Local Government Board under their rules for the regulation of elections.

(*d*) For definition, see section 75⁽²⁾.

Section

⁷⁸⁽¹⁰⁾ Of the Vestrymen first elected under this Act, the ^{Retirement.} third who are to retire first will not go out of office till the annual election in 1896. The third who are to retire in 1896 and 1897 respectively are to be determined in the manner described on page 63 with reference to Urban District Councillors.

⁷⁸⁽⁸⁾ The existing Vestrymen are to retire upon the day on ^{Retirement of existing} which the Vestrymen first elected under the present Act come into office, but until then they are to remain in office as if the term for which they were originally elected did not expire till that day, and no elections are to be held in the meantime except for the purpose of filling casual vacancies.

With regard to the meeting of the Vestry, the Act ^{Time for holding a} ⁸¹⁽⁸⁾ provides that nothing in any Local Act is to prevent any meeting. Vestry in the County of London from holding their meeting at such time as may be directed by the Vestry.

II. DISTRICT BOARDS.

In parishes mentioned in Schedule A the Vestry is the ^{Constitu-} ^{tion of Dis-} sanitary authority (*e*), while parishes mentioned in Schedule B have for sanitary purposes been formed into certain districts (*f*) under the management of District ^{54, 55 Vict.} ^{c. 76, s. 99.} Boards consisting of Vestrymen from each parish in the district elected by the Vestries of their respective parishes.

⁸¹⁽¹⁾ Not only has the present Act, as explained on page 89, made certain changes in connection with Vestries, but it has also altered the qualification of a member of a District Board and made it the same as that of an Urban District Councillor, as to which, see page 61.

⁸¹⁽²⁾ District Boards are also in future to elect at their first ^{Election of chairman.} meeting after the annual election a chairman for the year, who is, subject to the conditions contained in section 22, to be by virtue of his office a Justice of the Peace.

If the chairman so appointed is absent from a meeting, ^{18, 19 Vict.} ^{c. 120, s. 41.} the Board before proceeding to business will have to elect some one to take his place.

(*e*) Except in Woolwich where the sanitary authority is the Local Board of Health. See note (*d*) on page 89.

(*f*) See Appendix E, p. 193.

CHAPTER VII.

ACQUISITION OF LAND BY THE PARISH COUNCIL.

Section

I. VOLUNTARY PURCHASE OR HIRING.*

Application
of
Lands
Clauses
Acts. (b)
8, 9 Vict.
c. 18.

IF the Parish Council are desirous of acquiring land ⁹⁽¹⁾ for any purpose for which they are authorized to acquire it (see page 50), they may either hire or purchase it (a), and in the latter case they may avail themselves of the provisions of the Lands Clauses Acts (b), except those which relate to the purchase and taking of land otherwise than by agreement.

II. COMPULSORY PURCHASE.

Representation
to the
County
Council.

Should the Parish Council be unable to acquire ⁹⁽²⁾ suitable land on reasonable terms by voluntary agreement, they may, with a view to obtaining an order empowering them to purchase it compulsorily (c), represent the case to the County Council, whose duty it will become to inquire into the matter. (d)

Public inquiry by the County Council. If on such representation (or on a representation by ⁹⁽³⁾ the Parish Council that the District Council have failed to take the necessary steps for acquiring adequate and

* For provisions enabling the Parish Council to *hire* land compulsorily for allotments, see Chapter VIII.

(a) If the land required by the Council is in the Duchy of Lancaster, the Chancellor and Council of the Duchy are empowered either to sell it (section 178 of the Public Health Act, 1875) or lease it without any fine or premium for a term not exceeding thirty-five years (section 3 (7) of the Allotments Act, 1887).

(b) Which contain the provisions usually inserted in Acts authorizing the taking of land for purposes of a public nature.

(c) The Council are not, however, authorized to acquire otherwise than by agreement, any land for the purpose of any supply of water or of any right of way. ^{9(15).}

(d) As to the payment of the expenses incurred by the County Council in acquiring land for the Parish Council, see s. 72⁽⁴⁾.

Section

9⁽²⁾ suitable land for allotments) (e) the County Council are satisfied after inquiry that land suitable for the purposes for which it is intended cannot be acquired by agreement on reasonable terms, and that the circumstances of the case are such as to justify them in so doing, they may cause such public inquiry(f) to be made in the parish, and such notice to be given both in the parish and to the owners, lessees and occupiers of the land proposed to be taken as may be prescribed. (g)

9⁽³⁾ All persons interested will be allowed to attend at the inquiry and support or oppose the taking of the land, and any authorities or parties interested will be entitled to be heard, either in person or by their agents. Witnesses will also be heard, but not expert witnesses, nor counsel, except in such cases as may be prescribed. (g)

9⁽⁴⁾ The persons conducting the inquiry may summon before them such persons as they think necessary (h) for the purpose of examination or for the purpose of producing and verifying upon oath any books, contracts, agreements, accounts, writings (or copies of them) which in any way relate to the subject-matter of the inquiry, (i) and do not relate to or involve any question of title to lands or tenements.

They may also either examine on oath those who have been summoned, and those who have voluntarily appeared before them, or they may require any such witness to make and subscribe a declaration of the truth of his evidence.

9⁽⁵⁾ After completing the inquiry and considering all objections which have been made by persons interested,

(e) A Standing Committee is appointed annually by the County Council to consider such representations, section 9⁽¹³⁾, and Allotments Act, 1890, section 3. "Allotments" include common pasture, section 9⁽¹⁶⁾.

(f) As to the costs of such inquiry, see page 97.

(g) Prescribed by the Local Government Board, see section 75⁽²⁾.

(h) They cannot, however, require any person to travel more than ten miles from his place of abode.

(i) Any person who refuses or wilfully neglects to attend on such summons or produce the books, etc., required, will be guilty of a misdemeanour, and any person who wilfully gives false evidence will be liable to the penalties of perjury.

Order for compulsory purchase may be made by the County Council. the County Council may make an order for putting in force with regard to the land which it is proposed to take, or any part of it, the provisions of the Lands Clauses Acts including the provisions relating to the compulsory purchase and taking of land.

Provision in case the County Council refuse to make an order.

If the County Council refuse to make any such order⁹⁽⁵⁾ the Parish Council (*j*) may petition the Local Government Board, and if after local inquiry they think proper, the Board may make the order. But any order overruling the decision of the County Council must be laid before Parliament by the Board.

Lands which cannot be taken compulsorily.

Allotments Act, 1887, s. 3(9).

No order can be made for the purchase of any park, garden, pleasure-ground, or other land required for the convenience of any dwelling-house, or of any land belonging to a railway or canal company, which is, or may be, required for the purposes of their undertaking.

Neither can an order be made for the compulsory purchase of any mines or minerals. (*k*)

In making any such order the County Council must have regard to the extent of land held in the neighbourhood by any owner, and to the convenience of other property belonging to the same owner, and must, so far as practicable, avoid taking an undue or inconvenient quantity of land from any one owner.

Copy of the order to be served on persons whom it affects.

A copy of the order must be served in the prescribed manner, (*l*) on the persons whom it affects, together with a statement that the order will become final, and have the effect of an Act of Parliament, unless within the prescribed period (*l*) a memorial by some person interested is presented to the Local Government Board, praying that the order may not become law without further inquiry.

(*j*) Or District Council if the proceedings have been taken on the petition of the District Council.

(*k*) The right to mines or minerals under land purchased compulsorily by the Council, can only be obtained by agreement or under the provisions of the Railway Clauses Act, 1845, sections 77-85, for which see Appendix F., page 194.

(*l*) Prescribed by the Local Government Board see section 75⁽²⁾.

ACQUISITION OF LAND BY THE PARISH COUNCIL. 95

Section

9(7). The order must be deposited with the Local Government Board, whose duty it will then be to inquire whether the above provisions of the Act and the prescribed regulations have been in all respects complied with. Should the Board be satisfied on that point, they may, after the prescribed period, if no memorial has been presented—or, if presented, withdrawn—confirm the order without further inquiry. (m)

If a memorial, however, has been presented, and has not been withdrawn, the Board will be obliged, before confirming (with or without amendment) or disallowing the order, to hold a local inquiry, conducted in the same way and under the same conditions as a local inquiry held by the County Council (n), as to which, see page 93.

9(8). Before holding the inquiry notice must be previously given by advertisement, in two successive weeks, in some local newspaper circulating in the district to which the order relates.

9(7). Upon receiving the confirmation of the Local Government Board, the order (and if amended, as so amended) will become final and have the effect of an Act of Parliament; and such confirmation will be conclusive evidence that the requirements of the present Act have been complied with, and that the order has been duly made and is within the powers given by this Act.

9(9). The order, when made and confirmed, is to be carried into effect by the County Council. (o) For that purpose they may avail themselves of the provisions of the Lands Clauses Acts, including the provisions relating to compulsory purchase and taking of land, subject, however, to the following modifications as to the settlement of any dispute with regard to the amount of compensation to be paid:—

I. Instead of such dispute being determined in the

(m) The Local Government Board must annually lay before Parliament a report of their proceedings with regard to the compulsory purchase or hiring of land.

(n) As to the payment of the expenses incurred by the Board, see s. 72,

(o) With regard to a compulsory purchase of land for allotments upon the representation of a District Council, see page 80.

Appointment
of
arbitrator
to deter-
mine
amount of
compensa-
tion to be
paid.

Allotments
Act, 1887,
s. 3(4).

Allotments
Act, 1887,
s. 3(4).

Limitation
on price to
be paid for
land re-
quired for
allotments.

manner provided by those Acts, it is to be referred to the arbitration of a single arbitrator appointed by the parties, or if the parties do not concur in the appointment, then on the application of either of them, by the Local Government Board. (p)

2. If the arbitrator dies or becomes incapable of acting before he has made his award, or if he fails to make his award within two months after his appointment, his appointment is to come to an end, and the question is to be referred to another arbitrator appointed in like manner. The same arbitrator may, however, be re-appointed.
3. The arbitrator is to hear any authorities or parties interested, either in person or by their agents, and also their witnesses; but except in such cases as may be prescribed (q), neither expert witnesses nor counsel are to be heard.
4. In determining the amount of compensation the arbitrator is not to make any additional allowance on account of the purchase being compulsory.
5. The arbitrator, notwithstanding anything in the Lands Clauses Acts, is to determine the amount of the costs, and is to have power to disallow, as costs in the arbitration, the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been unnecessarily incurred.

If the land is intended for allotments it must only be acquired at a price which, together with all the expenses of the Council in acquiring the land and otherwise in relation to the allotments, (r) may, in the opinion of the

(p) The remuneration of the arbitrator appointed by the Board is to be fixed by the Board.

(q) Prescribed by the Local Government Board, see section 75(2).

(r) Except expenses incurred in making roads to be used by the public.

Section

Council, reasonably be expected to be recouped out of Allotments Act, 1887, the rents to be obtained from the land when let out in s. 2, allotments.

As to the management of land purchased for allotments, see pages 101—105.

(19⁽¹⁾) When the land has been acquired for any purpose for Land when purchased which the Parish Council are authorized to acquire it, or to be vested has been purchased for allotments by the County Council in the Parish upon the representation of the Parish Council that the Council. District Council have failed to provide adequate and suitable allotments, it is to be conveyed to and vested in the Parish Council. (s)

(19⁽²⁾) The costs and expenses of inquiries as to the land to be acquired are to be paid by such persons or out of such Payment of expenses incurred, rates as the County Council may order. As to the costs incurred by the County Council, see s. 72⁽⁴⁾.

Sale of Superfluous Lands.

(19⁽³⁾) If the Parish Council are of opinion that any land Sale of superfluous land, which they have acquired is no longer needed, or that other land more suitable for their purposes is available, Allotments Act, 1887, s. 11. they may, with the consent of the Local Government Board, sell or let such land or any part of it, or exchange it for other land more suitable for the purposes for which it is required, and may pay or receive money for equality of exchange.

The proceeds of a sale, and any money received on Application of money obtained by sale, an exchange, must be applied in discharging, by way of a sinking fund or otherwise, the debts and liabilities of the Council in respect of the land acquired, or in acquiring, adapting and improving other land. If there is any surplus remaining it may be applied for any purpose for which capital money may be applied, and which has been approved by the Local Government Board; and the interest thereon (if any), and any money received from the letting of the land may be applied either in acquir-

(i) If the land has been acquired for allotments in consequence of a representation by the District Council, it is to be conveyed to and vested in the District Council.

ing other land or in aid of expenses incurred by the Council in respect of such land; and, so far as it is not required for payment of those expenses, in aid of the special expenses incurred in the execution of the Public Health Act, 1875. (t)

Right to pre-emption.

Before the Council dispose of any superfluous land⁹ they must—unless the land is used for building purposes—first offer the person entitled to the lands (if any) from which it was originally severed, the opportunity of purchasing it. If such person refuses to purchase it, or if he cannot be found, the land must then be offered to the person or persons whose estates it immediately adjoins. Where more than one such person is entitled to the right of pre-emption, the offer may be made to each of them successively in such order as the council think fit. (u)

Time within which right of pre-emption must be exercised.

Any person entitled to a right of pre-emption must signify his intention to avail himself of it within six weeks after the offer has been made to him, otherwise his right of pre-emption will be lost. (u)

Price to be paid.

If there is any difference as to the price to be paid for the land, it is to be settled by arbitration, the costs of which will be in the discretion of the arbitrator. (u)

Conveyance of land.

The council may convey the land when sold by deed under their common seal, and the word "grant" in any such conveyance shall (unless limited by express words in any particular case) operate as an express covenant:

Covenants implied therein.

1. For quiet enjoyment by the purchaser; and
2. For further assurance of such lands at the expense of the purchaser; and
3. That the Parish Council at the time of the conveyance were possessed of the fee-simple (or other estate expressed to be thereby granted) free from incumbrances. (u)

(t) Allotments Act, 1887, ss. 10 and 11. With regard to such expenses, see p. xx.

(u) Lands Clauses Consolidation Act, 1845, sections 128 to 132, referred to in section 11 of the Allotments Act, which is incorporated by section 9 of the present Act.

CHAPTER VIII.

*COMPULSORY HIRING OF LAND FOR
ALLOTMENTS BY THE PARISH COUNCIL.*

Section

10 THE Parish Council are empowered to hire land for allotments (a), and if they are satisfied that allotments are required, but are unable to hire by agreement and on reasonable terms land suitable for that purpose, they may represent the case to the County Council, who are empowered to make an order authorizing the Council to hire compulsorily for a period of not less than fourteen nor more than thirty-five years, such land in or near the parish as may be specified in the order.

The order is to be made by the County Council and confirmed by the Local Government Board in the same way and subject to the same conditions as an order for the compulsory purchase of land. See pages 92—96.

10⁽²⁾ No order can be made for the compulsory hiring of any mines or minerals, neither can any right to take, sell, or carry away any gravel, sand, or clay be conferred.

10⁽³⁾ The order may apply with the prescribed adaptations (b) such of the provisions of the Lands Clauses Acts (c) including those relating to the acquisition of land otherwise than by agreement, as appear to the County Council or Local Government Board sufficient for carrying the order into effect, and for the protection of the persons interested in the land and of the Council.

(a) They cannot hire land which is already owned or occupied as a small holding within the meaning of the Small Holdings Act, 1892; for definition, see p. 48. As to the power of leasing land belonging to the Duchy of Lancaster, see page 92, note (a).

(b) Prescribed by the Local Government Board, section 75⁽²⁾.

(c) Which contain the provisions usually inserted in Acts authorizing the taking of land for purposes of a public nature.

Rent, etc., to be determined by an arbitrator. The amount to be paid as rent for the land taken is ¹⁰⁽¹⁾ to be determined by an arbitrator appointed in the manner described on page 96. The following questions are also to be determined by the arbitrator :—

- (a) The terms and conditions of the hiring ;
- (b) The amount of compensation for severance ;
- (c) The compensation due to a tenant on account of his tenancy being determined ;
- (d) The apportionment of the rent between the land taken by the Council and the land not taken from the tenant ;
- (e) Any other matter incidental to the hiring of the land by the Council, or the surrender thereof at the end of their tenancy.

Facts to be considered in fixing the rent. Though the arbitrator in making his award is not ¹⁰⁽²⁾ ₁₀₍₃₎ to make any addition on account of the hiring being compulsory, he is, nevertheless, in fixing the rent or other compensation, to take into consideration all the circumstances connected with the land, and the use to which it might otherwise be put by the owner during the time it is hired, also any loss which the tenant has suffered on account of the value of his holding having been depreciated by the withdrawal from it of the land hired by the Council.

Mode of providing for part of compensation due to the tenant. In order to provide as far as possible for any compensation which may be due to the tenant for any depreciation in the value of his holding which has been caused by the severance, the arbitrator, when apportioning the amount of rent to be paid respectively by the tenant for the residue of his holding and by the Council for the part which they have hired, is to take into account the fact that such compensation is due to the tenant, and is to be guided thereby in assessing the amounts to be paid.

Award of the arbitrator to be kept with the parish documents. The award of the arbitrator or a copy of it, together with a report signed by him as to the condition of the land taken by the Council, is to be deposited and preserved with the public documents of the parish, and the owner

for the time being of the land is to be at liberty to inspect and take copies at all reasonable times.

- 10⁽¹⁰⁾ If at any time during the tenancy it is shown to the satisfaction of the County Council that the land is required by the landlord (*d*) for the purpose of working and getting the mines, minerals, or surface minerals under it, When possession may be resumed by landlord during the tenancy. or for any road or work in connection therewith, the landlord will be permitted to resume possession upon giving the Parish Council twelve calendar months' previous notice, and on paying the Council and the allotment holders for the time being such sum, by way of compensation for the loss of the land, as may be agreed upon by the landlord and the Council, or in default of agreement, such sum as may be awarded by an arbitrator appointed in the manner described on page 96.

- 11⁽⁷⁾ On the determination of the tenancy the amount due from the landlord for improvements (*e*), or from the Council for depreciation is to be determined by an arbitrator appointed in manner described on page 96. Payment of compensation on determination of the tenancy.

Such compensation is to be assessed in accordance with the provisions of the Agricultural Holdings Act, 1883, for which see Appendix G, page 196.

Management of Allotments.

(Allotments Act, 1887, ss. 5 to 8.)

50, 51 Vict.
c. 48.

- 12⁽⁶⁾ The Parish Council having thus obtained land for allotments may improve it and adapt it for that purpose by draining, fencing, and dividing it, acquiring approaches, making roads, and doing anything else they think fit, except that they may not break up or permit to be broken up any permanent pasture without the written assent of the landlord. They may also from time to time do what is necessary for maintaining the drains, fences, etc., in order to keep the allotments in a proper condition.

(*d*) "Landlord" means the person for the time being entitled to receive the rent of the land hired by the Council, s. 10⁽¹⁰⁾.

(*e*) See Appendix G, page 196.

Regulations for the management of allotments. Subject to the provisions mentioned below, the Council **10** may from time to time make, vary, and revoke such regulations as appear to be necessary or proper for regulating the letting of the allotments, and for preventing any undue preference in letting, and generally for carrying out the object of the Act. The regulations may among other things define—

1. The persons eligible to be tenants ;
2. The notices to be given for letting the allotments ;
3. The size of the allotments ;
4. The conditions under which they are to be cultivated ;
5. The rent to be paid for them.

All such regulations must make provision for reasonable notice being given to a tenant, of the determination of his tenancy.

No regulation will be of any force until it has been confirmed by the Local Government Board.

Regulations to be published. The Parish Council must cause the regulations to be, from time to time, made known, in such manner as they think fit to all persons interested, and must give a copy of them, free of charge, to any inhabitant of the parish who demands it.

All regulations for the time being in force will be binding on all persons whatsoever.

Size of allotments. If the land is hired compulsorily, one tenant may not **10** hold more than four acres of pasture, or one acre of arable and three acres of pasture. No allotment may be sublet.

Letting of land not required immediately for allotments. If at any time any allotment cannot be let in accordance with the above provisions, it may be let to any person whatever, at the best annual rent which can be obtained for it, without any premium or fine, and on such terms as may enable the council to resume possession of it within twelve months, if it should at any time be required to be let under the above provisions.

Only certain buildings to be put up. No building, other than a stable, cow-house, barn, **10** tool-house, shed, green-house, fowl-house, or pig-stye, can

Section

0(6) be erected on any part of an allotment, and if any other building is erected, the Parish Council are to pull it down forthwith, sell and dispose of the materials, and apply the proceeds of the sale in like manner as the rent of the allotment.

If any stable, cow-house, barn, etc., has been erected, neither the Council nor the incoming tenant will, at the end of the tenancy, be bound to take any such building or pay any compensation for it, but the outgoing tenant will be at liberty to remove it before the expiration of his tenancy, and if he fails to do so, the Council may pull it down and dispose of the materials, and apply the proceeds as if it were a building prohibited from being erected.

A tenant may, before the expiration of his tenancy, also remove any fruit and other trees or bushes which he has planted or acquired, and for which he has no claim for compensation. For improvements in respect to which a tenant is entitled to compensation, see Appendix G, page 196.

The rents of the allotments are to be fixed at an amount not less than such as may reasonably be expected to insure the Parish Council from loss, but in calculating such loss, any expenses incurred in an unsuccessful attempt to acquire land for allotments are to be excluded.

Subject to the above provision, the rents to be charged from time to time are to be such as are reasonable—having regard to the agricultural value of the land.

Where the Council deem it necessary that rent should be paid in advance, they are not to require more than a quarter's rent in advance.

Although the Council are for the purposes of all rates, taxes, and tithe rent charge to be deemed to be the occupiers (f) of the allotments which are let, they are,

(f) For the purposes, however, of the parliamentary, municipal, and all other franchises, the tenants are to be deemed the occupiers, and such rates are to be considered as paid by them.

Rates and taxes to be paid by the Council and recovered with the rent,

nevertheless, to cause the sums from time to time paid 10% as rates, etc., in respect of the allotments, to be apportioned among the tenants, and to certify the amount apportioned in respect of each allotment to the tenant thereof. The sum so apportioned is to be added to the rent otherwise payable by the tenant, and may be recovered by the Council as part of the rent.

Recovery of rent and possession.

The rent for an allotment and the possession thereof, in the case of any notice to quit or failure to deliver up possession as required by law, may be recovered by the Council in the same manner as in any other case of landlord and tenant.

Determination of tenancy when rent in arrear.

If the rent for any allotment is in arrear for not less than forty days, or if it appears to the Council that the tenant of any allotment has not, for three months or more, duly observed the regulations relating to allotments, or is resident more than a mile out of the parish, the Council may serve upon him, or if he is residing more than a mile out of the parish, leave at his last known place of abode in the parish, or fix in some conspicuous manner on the allotment, a written notice determining his tenancy at the end of one month after the notice has been so served or affixed, and thereupon his tenancy will be determined.

Compensation on determination of tenancy.

In every such case the Council, in default of agreement between the incoming and outgoing tenant, are to pay on demand to the tenant whose tenancy has been thus determined, any compensation due to him as an outgoing tenant. The amount of compensation is to be determined by an arbitrator appointed by the Council, or if the tenant so elect, either (1) by an arbitrator appointed under the Allotments and Cottage Gardens Compensation for Crops Act, 1887, or (2) by a reference under the Agricultural Holdings (England) Act, 1883, (for which see page 105).

Delivery of possession may be stayed till compensation is paid.

Upon the recovery of an allotment from a tenant the Court or Justice directing the recovery may stay delivery of possession until payment of the compensation, if any

Section

10(6) is due to the outgoing tenant, has been made or secured to the satisfaction of the Court or Justice.

(1.) Under the Allotments and Cottage Gardens Compensation for Crops Act, 1887, the landlord and tenant may concur within twenty-eight days after the determination of the competency in the joint appointment of an arbitrator. If they do not concur, either of them may apply personally or in writing to the Justices of the Peace acting for the Petty Sessional Division in which the holding is situated, in Petty Sessions, in which case the Justices may either appoint one of their own number, or some other competent person to act as arbitrator. (g)

(2.) Under the Agricultural Holdings Act, 1883, both parties may concur in appointing a single referee. If they do not concur in the appointment each of them may appoint a referee. If for fourteen days after notice given by one party to the other requiring him to appoint a referee, the other party fails to do so, then on the application of the party giving notice, the County Court may within fourteen days appoint a referee.

Where two referees are appointed they must before entering on the reference appoint an umpire.

If for seven days after request from either party the referees fail to appoint an umpire, then on the application of either party, the County Court may within fourteen days appoint the umpire.

Provided that either party may, on appointing a referee, give notice in writing that he requires the umpire to be appointed by—

- (1.) The Board of Agriculture, in which case the Board will make the appointment ; or,
- (2.) The County Court, in which case the appointment may be made by the County Court, unless the other party dissents by notice in writing, when it may on the application of such party, be made by the Board of Agriculture.

(g) The Justice or other person appointed must not be interested in any way in the allotment.

CHAPTER IX.

COMMITTEES. (a)

Section

**Appoint-
ment of
committees
by Parish
or District
Councils.** A PARISH COUNCIL or the Council of any district ⁵⁶⁽¹⁾ (other than a borough) may appoint committees consisting either wholly or partly of members of their respective Councils for the exercise of any powers which in the opinion of the Council can be properly exercised by committees, but a committee is not to hold office beyond the next annual meeting of the Council appointing it, and the acts of every committee must be submitted to their Council for approval.

**Parish
Council
may be
required to
appoint a
committee
in certain
cases.** Where a Parish Council have any powers and duties ⁵⁶⁽²⁾ which are to be exercised in a part only of a parish or in relation to any recreation ground, building, or property held for the benefit of a part of a parish, and the part has a defined boundary, the Parish Council shall if required by the Parish Meeting held for that part, appoint annually to exercise such powers and duties a committee, consisting partly of members of the Council and partly of other persons representing that part of the parish.

**Appoint-
ment of
committee
by District
Council for
purposes of
Public
Health and
Highway
Acts.** Where a committee is appointed by a District Council ⁵⁶⁽³⁾ for any of the purposes of the Public Health Acts, or Highway Acts, the Council may authorize the committee to institute any proceeding, and do any act which the Council might have instituted or done for that purpose other than the raising of a loan or the making of any rate or contract.

**Appoint-
ment of
joint com-
mittees by
Parish and
District
Councils.** A Parish or District Council may also concur with ⁵⁷⁽¹⁾ any other Parish or District Council or Councils in appointing out of their respective bodies a joint committee, for any purpose in respect of which they are jointly interested, and in conferring, with or without conditions

(a) As to the appointment of a committee to execute the Adoptive Acts in certain cases, see page 49.

Section

or restrictions, on any such committee any powers which the appointing Council might exercise if the purpose related exclusively to their own parish or district. (b)

57⁽³⁾ No joint committee is to hold office beyond the Term of expiration of fourteen days after the next annual meeting of any of the Councils by which it was appointed.

57⁽⁴⁾ Where a Parish Council can be required to appoint a committee consisting partly of members of the Council and partly of other persons, (c) the requirement may also be made in the case of a joint committee, and shall be duly complied with by the Parish Councils concerned at the time of the appointment of such committee.

57⁽⁴⁾ The costs of a joint committee are to be defrayed by Costs of the Councils by whom it is appointed in such proportion joint committee. as they may agree upon, or as may be determined in case of difference by the County Council.

PROCEDURE.

56⁽⁵⁾ The quorum, proceedings, and place of meeting of a Quorum, committee, whether within or without the parish or place of meeting, district, and the area (if any) within which the committee etc. are to exercise their authority, will be such as may be determined by regulations of the Council or Councils appointing the committee.

Subject to such regulations the quorum, proceedings, and place of meeting, whether within or without the parish or district, may be such as the committee direct.

The chairman at any meeting of the committee will be Casting entitled to a second or casting vote.

A minute of proceedings at a meeting of a committee Minutes of appointed by Parish or District Council, signed at the proceedings same or the next meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, is to be received in evidence without further proof.

(b) Except the powers of borrowing money or making a rate.

(c) See second paragraph on previous page.

Until the contrary is proved, every meeting in respect of the proceedings of which a minute has been so made is to be deemed to have been duly convened and held, and all its members to have been duly qualified; and the committee is to be deemed to have been duly constituted, and to have had power to deal with the matters referred to in the minutes.

CHAPTER X.

PART I.

AREAS AND BOUNDARIES.

Section

- 1⁽³⁾ WHERE a parish is, at the passing of this Act, situated partly within and partly without a Rural Sanitary District or in more than one urban district, each part with regard to parishes divided by the Act.
- 36⁽²⁾ is, after the appointed day (*a*), to become a separate parish (*b*), with such name as the County Council may direct, subject, however, to any alteration of area which may subsequently be made by, or in pursuance of this or any other Act, see below.
- 36⁽³⁾ Where a parish has been divided into two or more parishes, each parish so formed is, until otherwise provided, to be included in the poor law Union in which the original parish was situated.
- 24⁽⁴⁾ Where a Rural Sanitary District is, on the appointed day, situated in more than one administrative county, each such portion is, as from the appointed day, to be a rural district unless otherwise provided by, or in pursuance of, this or any other Act, see below.
- 36⁽¹⁾ For the purpose of carrying out the provisions of the present Act :—
1. Every parish, which at the passing of the Act is situated partly within and partly without an administrative county (*c*) or sanitary district, is to be brought wholly within the same administrative county or district, as the case may be,

(*a*) The day on which the Councillors, first elected under the Act, come into office. See section 84.

(*b*) Unless in the latter case the County Council for special reasons otherwise direct. 36⁽²⁾.

(*c*) For definition of "administrative county," see page 68.

Section

unless in the latter case, the County Council for special reasons otherwise direct.

Each rural district to be within a single county.

2. Every Rural Sanitary District, which at the passing ³⁶⁽¹⁾ of the Act is situated partly within and partly without an administrative county is, unless the County Council for special reasons otherwise direct, to be brought wholly within the same administrative county.
3. Every Rural Sanitary District, which at the passing ³⁶⁽¹⁾ of the Act has less than five elective Guardians is, unless for special reasons the County Council otherwise direct to be united to some neighbouring district or districts

It is the duty of the County Council of each county (*d*) to take into consideration as soon as practicable (*e*) any case within their county in which any of the above alterations may be necessary, and after making the necessary inquiries and giving the requisite notices in accordance with section 57 of the Local Government Act, 1888, to make such orders as may be most suitable for carrying into effect the above provisions.

Duties of the County Council with respect to areas and boundaries.

If, in order to accomplish this object, they think it expedient, the County Council may make the following alterations :—

- i. By an order confirmed by the Local Government ³⁶⁽²⁾ Board, under Section 57 of the Local Government Act, 1888, alter the boundary of any parish, or divide it, or unite it, or any part of it, with another parish. Each new parish so formed or grouped will bear such name as the order directs.

(*d*) By means of a joint committee of the Councils concerned if the parish or district is situated in more than one county. See further, as to the appointment of the committee, page 105.

(*e*) If the County Council do not carry these alterations into effect within two years after the passing of the Act, or within such further period as the Local Government Board may allow, the powers given them for that purpose will be transferred to the Local Government Board. ³⁶⁽³⁾

Section

- 36⁽⁷⁾ Before any such order is made, notice thereof must be given to the Parish Council, or, if there is no Council, to the Meeting of the parish concerned. The Council or Meeting, as the case may be, will be entitled to appear at any inquiry held by the County Council, with reference to the order, and they may, if necessary, petition the Local Government Board against the confirmation of the order. (f)
- 36⁽⁸⁾ ii. Alter the poor law union in accordance with Section 58 of the Local Government Act, 1888, or otherwise, but this provision is not to affect the powers of the Local Government Board with respect to the alteration of Unions.
- 36⁽⁹⁾ iii. Apply to the Local Government Board for an order under Section 54 of the Local Government Act, 1888, for the alteration of the boundary of any county or borough.
- 69 Where an alteration of any area is made by or under this Act, an order for any of the matters mentioned in Section 59 of the Local Government Act, 1888, may, if it appears to the Local Government Board desirable, be made by that Board.
- 36⁽¹⁰⁾ Subject to the provisions of the Act, any order made by a County Council in relation to the above provisions is to be deemed to be an order under Section 57 of the Local Government Act, 1888, and any authority (including a Board of Guardians) which is affected by any such order may petition the Local Government Board against the confirmation of the order, but the time within which the petition must be made in future will be six weeks instead of three months.
- 71 A copy of every order made by a County Council, in pursuance of this Act, must be sent to the Local Government Board, and if it alters any local area, or name, also to the Board of Agriculture.
- 84⁽⁹⁾ Every division into wards, or alteration of the
- Copies of
orders to be
sent to the
Local
Govern-
ment
Board.
- (f) The time for petitioning against an order under this section is to be six weeks instead of three months after notice, 41.

Time with-
in which
alterations
are to be
made.

boundaries of any parish, Union, or district, which is to affect the first election must, if it affects the parishes or parts for which the registers of parochial electors will be made, be made, so far as is practicable, before the 1st of July next, and any such division or alteration which after the appointed day may be made on application by the Parish Council or the parochial electors of any parish, may be made before the appointed day (g), on application by the Vestry or a like number of the rate-payers of the parish. See further, section 84^(a).

Effect of
creation or
extension
of an urban
district on
rural
parishes.

If at any time hereafter, on the creation of a new ~~borough~~⁵ or urban district, or on the extension of the area of an urban district, any rural parish, or part of a rural parish, is brought within the area of the borough or urban district, provision is to be made for the purpose of appointing overseers, and for placing the parish, or part, in the same position as other parishes in the borough or district, either by the constitution of a new parish or by the annexation of the parish, or parts thereof, to another parish.

And where one rural parish only out of a group, or part only of a rural parish, has been thus included within a borough or urban district, provision is to be made either for the constitution of a new Parish Council in such parish or part of a parish as remain rural, or for the annexation of the parish or part to some other parish. (h) ~~54~~

PART II.

GROUPING OF SMALL PARISHES.

Application THE Parish Meeting of any parish which has no ¹ separate Parish Council (a) may apply to the County ~~38(4)~~

(g) The day on which the first Councillors elected, under the present Act, ~~come~~ into office. See section 84⁽²⁾.

(h) These provisions will also apply, with the necessary modifications, in any case where the area of an urban district is diminished.

(a) Parishes with a population under 300.

Section

- Council to group their parish with some other parish or parishes with no separate Council.
- Where a grouping order is made, it is to provide :—
- 38⁽¹⁾ (a) For the name of the group ;
 (b) For the Parish Meetings in each of the parishes grouped ;
 (c) For the election of separate representatives of each parish on the Parish Council ;
 38⁽²⁾ (d) For the application of the provisions of this Act with respect to the appointment of trustees and beneficiaries of a charity, and the custody of documents, so as to preserve the separate rights of each parish.
- 38⁽¹⁾ The order may further provide for the consent of the Parish Meeting of a parish to any particular act of the Parish Council, and for any other adaptations of this Act to the group of parishes, or to the Parish Meetings in the group.
- 38⁽²⁾ The whole area of each group must, unless the County Council for special reasons otherwise direct, be within the same administrative County and district.
- 38⁽¹⁾ If at any time after a grouping order has been made, Subsequent application for dissolution of a group. the population of any parish included in the group (b) increases so as to justify the election of a separate Council for that parish, the Parish Meeting may petition the County Council for an order for a separate Council, see section 35.
- 38⁽²⁾ Either the Parish Council for any group of parishes, or the Parish Meeting for any parish included in the group may, moreover, for any other reason if they so desire, apply to the County Council for an order to dissolve the group, see section 34.
- 40 Orders made by the County Council for any of the above purposes will not require submission to or confirmation by the Local Government Board. Confirmation by Local Government Board not required.
- (b) Or any parish without a separate Council, whether grouped or not.

CHAPTER XI.

FINANCIAL PROVISIONS.

Section

- i. *Restrictions on Expenditure of the Parish Council.*
- ii. *Payment of Expenses.*
- iii. *Raising of Loans by the Parish Council.*
- iv. *Auditing of Accounts.*

I. RESTRICTIONS ON EXPENDITURE OF THE PARISH COUNCIL.

Rate not to exceed 6d. in the £. THE sum raised in any local financial year (a) by a parish council for their expenses (other than expenses under the Adoptive Acts) (b), cannot exceed a sum equal to a rate of 6d. in the £ on the rateable value of the parish at the commencement of the year; for the purpose of this provision "expenses" are to include any annual charge, whether of principal or interest, in respect of any loan.

Moreover, a Parish Council cannot incur any expense or liability which will involve a rate exceeding 3d. in the £ for any local financial year, without the consent of the Parish Meeting, neither can a Parish Council incur any expense or liability which will involve a loan, without the consent of the Parish Meeting and the approval of the County Council. As to restrictions on borrowing, see page 119, note (i).

II. PAYMENT OF EXPENSES.

Expenses of Elections.

The expenses incurred in the election of Parish Councillors are to be paid out of the poor rate. The expenses

(a) Commencing apparently from the 1st April in each year. See Auditing of Accounts, page 121.

(b) And if in pursuance of an order of the County Council a parish continues to maintain its own highways (see page 78), the highway expenses are not to be deemed the expenses of the Council within the meaning of the Act, 82⁽²⁾

ction.

) incurred in connection with other elections under the present Act are—subject to such provisions as may be made by the rules, which are to be framed by the Local Government Board—to be paid in a manner similar to that in which the election expenses of Councillors of a borough are defrayed ; they will therefore be paid, on the order of the respective authorities, out of the funds or rates applicable to the payment of their ordinary expenses. (c)

If, however, in cases where it is necessary to levy a rate — any authority consider that the rate to defray such expenses ought not to be levied on the basis of the poor rate, they may, apparently, direct an independent valuation to be made (d)—for the present Act, having stated the manner in which the expenses of elections under this Act are to be defrayed, provides that in the case of Guardians the Local Government Board may order that the incidence of the charge for the expenses of their election shall be *the same as before*. (e)

All orders for payment of such expenses out of any fund must be signed by three members of the Council or other authority and countersigned by their clerk, and the payment must be made by their treasurer.

In no case can the expenses of any election exceed Scale of
election
expenses to
be fixed. the scale which is to be fixed by the County Council.

If the County Council have not framed a scale by the beginning of one month before the first election, it may, for the purposes of that election, be fixed by the Local Government Board.

Expenses of the Parish Council and Meeting.

) The expenses of a Parish Council and of a Parish

(c) For which, see page 116.

(d) The authorities of a borough may, when it is necessary to levy a rate for the payment of their expenses, either levy it on the basis of the poor rate or on an independent valuation, see The Municipal Corporations Act, 1882, sections 140 144, and section 48⁽⁴⁾ of the present Act.

(e) The payment of expenses incurred in connection with the election of Guardians was formerly regulated by rules which were framed by the Local Government Board.

Section

To be paid
out of poor
rate.

Meeting, including the expenses of any poll consequent¹¹⁽⁴⁾ thereon, are to be paid out of the poor rate. The expenses of the Parish Meeting are, if there is a Parish Council, to be paid by the Council. In order to obtain

Mode of
enforcing
payment.

2, 3 Vict.
c. 84.

payment of such expenses, the Council or chairman of the Meeting, (w) as the case may be, are to have powers similar to those possessed by a Board of Guardians for the purpose of obtaining contributions to their common fund—that is to say, upon a written application from the Council or chairman any two or more Justices for the district may summon the overseers of the defaulting parish to show cause at a special sessions why the contribution should not be paid, and if the Justices think fit they may by warrant order the arrears and any costs incurred in consequence of the delay to be levied and recovered from the overseers in the same way as the poor rate may be levied and recovered.

Form of
demand
note.

The demand note for any rate levied for defraying the expenses of a Parish Council or Meeting together with other expenses, must state in the prescribed form, the proportion of the rate levied for the expenses of the Council or Meeting, and the proportion (if any) levied for the purpose of any of the Adoptive Acts.

Expenses of Urban District Councils.

To be paid
out of
borough
or district
fund, etc.

The expenses incurred by an Urban District Council in the execution of the additional powers conferred on the council by the present Act are, subject to the provisions of the Act, to be defrayed in a borough out of the borough fund or rate, and in any other case out of the district fund and general district rate, or other fund applicable towards defraying the expenses of the execution of the Public Health Act, 1875.

Expenses of Rural District Councils.

The expenses incurred by the Council of a rural district are, subject to the provisions of this Act (x)

(w) If there is no Parish Council.

(x) See sections 25(3) and 82.

Section

29 and subject to the modifications given below, to be To be paid
defrayed in the same way as expenses incurred by a as directed
rural sanitary authority in the execution of the Public by the
Health Act, 1875, are by that Act directed to be Public
Health Act, 1875. Health expenses.

Expenses incurred in the execution of the Public General
Health Act, 1875, in rural districts are divided into :— and special
expenses.

- i. General expenses, which are payable out of the poor rate ; and
 - ii. Special expenses, that is to say, expenses incurred in the execution of works for the benefit of any contributory place (*f*) within the district. In order to recover these expenses, which are separately chargeable on the contributory place, the sanitary authority issue a precept to the Public overseers of such place requiring them to pay 1875, ss. 229 the amount by a specified time. The overseers and 230. then levy a rate in the same manner as if it were a rate for the relief of the poor (*g*), except that the following bodies or persons are only assessed at one-quarter of their rateable value:—
1. Owners of tithe or tithe-rent charge ;
 2. Occupiers of land used as arable, meadow, or pasture only, or as woodlands, market or nursery gardens ;
 3. Occupiers of land covered with water, or used as a canal or towing-path, or as a public railway.

The following are the modifications referred to above :—

- (a) Any highway expenses shall be defrayed as general expenses.

Modifica-
tions of the
provisions
of the
Public
Health
Act, 1875.

(*f*) For which, see Appendix C, page 191.

(*g*) If, however, the amount due is under £10, or is so small that it would involve levying a rate of less than 1d. in the £, the overseers need not levy a rate, but are entitled to pay the amount as if it formed part of the contribution required by them in respect of general expenses. The owners and occupiers specified above, however, only pay a quarter of the rate in the £ payable in respect of houses and other property.

Highway expenses in special cases.

- (b) A District Council shall have the same power of ²⁹ charging highway expenses under exceptional circumstances on a contributory place, as a Highway Board have in respect of any area, under Section 7 of the Highways and Locomotives (Amendment) Act, 1878, which provides that :—

"If a Highway Board think it just, by reason of natural differences of soil or locality, or other exceptional circumstances, that any parish or parishes within their district should bear the expenses of maintaining their own highway, they may (with the approval of the county authority or authorities) (i) divide their district into two or more parts, and charge on each part the expenses payable by the Board, in respect of maintaining the highways situate in each such part. Each such part must, however, consist of one or more highway parishes."

Highway expenses when charged on special funds.

- (c) Where highway expenses would, if this Act had not passed, have been in whole or in part defrayed in any parish or other area out of any property or funds other than rates, the District Council shall make such provision as will give to that parish or area the benefit of such property or funds by way of reduction of the rates on the parish or area.

When special expenses may be charged as general.

- (d) When the Local Government Board determine any expenses incurred under this Act to be special expenses and a separate charge on any contributory place, and such expenses would, if not separately chargeable on such place, be raised as general expenses, they may further direct that those special expenses shall be raised in the same way as general expenses.

(h) The county authority is the County Council. Local Government Act, 1888, section 3(viii).

Expenses of the County Council.

With regard to the expenses incurred by a County Council in performing the duties of a defaulting District Council, see section 63. And as to the expenses incurred by any person appointed by the County Council to perform such duties in their stead, see section 16⁽²⁾.

- 2) Expenses incurred by the County Council in holding public inquiries, with regard to the necessity of acquiring land compulsory in any particular case, are to be paid by such authorities or persons, or out of such funds or rates as the Council may order.
- 3) With regard to the payment of other expenses incurred by the council in connection with the compulsory purchase of land for the Parish or District Council, see section 72⁽⁴⁾.

Expenses of the Local Government Board.

With regard to the payment of expenses incurred by the Local Government Board in respect of inquiries or other proceedings under this Act, see section 72⁽¹⁾.

III. RAISING OF LOANS BY THE PARISH COUNCIL.

- 12 The Parish Council may, with the consent of the power to County Council and the Local Government Board, borrow money on the security of the poor rate, and of the whole or part of their revenues, for any of the following purposes (i) :—

- (a) For purchasing any land, or building any buildings, which the Council are authorized to purchase or build ; and
- (b) For any purpose for which the Council are authorized to borrow money under any of the Adoptive Acts ; and

(i) But the sum borrowed must not at any one time exceed in the whole, one-half of the assessable value of the property in the parish.

- (c) For any permanent work or other thing which the Council are authorized to execute or do, and the cost of which ought, in the opinion of the District Council and the Local Government Board, to be spread over a term of years.

*Regulations
as to exer-
cise of bor-
rowing
powers.*

*(Public
Health Act,
1875, s. 233,
etc.)*

The money may be borrowed for such time, not exceeding sixty years, as the Parish Council, with the sanction of the Local Government Board, may in each case determine. The Council may either pay off the loan by equal annual instalments of principal or principal and interest, or set aside and invest in Government securities in each year as a sinking fund, sums which will, with accumulations in the way of compound interest, be sufficient to pay off the loan within the period limited.

A Parish Council may at any time apply the whole or a part of the sinking fund in discharge of the loan, but in that case they must each year, until the whole loan is discharged, pay into the sinking fund a sum equivalent to the interest which would have been produced by the fund, or that part of it which has been so applied.

Where money is borrowed to discharge a previous loan, the time for repayment of the later loan cannot extend beyond the unexpired portion of the period for which the original loan was sanctioned, unless with the sanction of the Local Government Board; and in no case can the later loan be extended beyond sixty years from the date of the original loan.

*Mortgage
of rates for
repayment
of loans;*

For the purpose of securing the repayment of money borrowed, and of the interest on it, the Parish Council may mortgage the rate or source of revenue upon the credit of which they are authorized to borrow.

Every mortgage must be by deed, (j) and must state the date, consideration, time and place of payment, and be sealed with the common seal of the Parish Council.

register of.

Within fourteen days after the date of any mortgage,

(j) For forms, see Schedule iv. of the Public Health Act, 1875.

Section

an entry must be made in the register (*k*) of the number Mortgage and date thereof, and of the names and descriptions of the parties to it.

A mortgagee (*l*) may by deed transfer his interest transfer of to any other person, but the Parish Council will not be responsible to the transferee, unless an entry of the deed has been made on the register of transfers (which is to be kept at the office of the Parish Council) within thirty days after its execution.

If the principal money or interest which has become due on any such mortgage is six months in arrear, the mortgagee (*m*) if his claim amounts to £1000) may after demand in writing, apply to a court of summary jurisdiction for the appointment of a Receiver to collect and receive the rates liable to the payment of the loan. (*n*)

See further, section 12⁽²⁾, as to the power of the County Council to lend money to the Parish Council, and section 12⁽³⁾, as to the power of the latter to borrow money for the purposes of any of the Adoptive Acts.

IV. AUDITING OF ACCOUNTS.

- ¹) The accounts of Parish and Urban District Councils, ^{Making up} of accounts, (*n*) and of Parish Meetings for parishes with no separate Council, are to be made up yearly to March 31st, but the accounts of Rural District Councils, their committees and officers, are to be made up half-yearly to March 31st and September 30th, respectively. The accounts are to be made up in such form as the Local Government Board may prescribe.

- ⁽²⁾) All such accounts (except the accounts of a

- (*k*) A register of the mortgages on each rate must be kept at the office of the Council, and must be open to public inspection during office hours, free of charge.
 (*l*) The mortgagee is the person who advances the money, and the mortgagor is the person who borrows it.
 (*m*) The application may be made jointly by two or more mortgagees, if their claims, collectively, amount to £1000.
 (*n*) Except in the case of boroughs where accounts are made up half-yearly.

District auditors. borough) (*o*) are to be audited yearly or half-yearly, as the case may be, by district auditors appointed under the District Auditors Act, 1879, by the Local Government Board. [See further, s. 58(²).]

Auditors of vestry accounts. The accounts of Vestries in parishes mentioned in 31(¹) Schedules A or B of the Metropolis Management Act, 1855 (for which, see Appendix E, page 193), are to be audited in future by auditors qualified and elected in the same manner as Urban District Councillors, (*p*) see page 61.

Retirement of existing vestry auditors. The existing Vestry auditors are to retire upon the 79(¹) day on which the auditors first elected under the present 79(¹) Act come into office, but until then they are to continue in office as if the term for which they were appointed did not expire till that day, and in the meantime no future elections are to be held except for the purpose of filling casual vacancies.

(*o*) The accounts of a joint committee appointed by a Borough Council and another Council which is not a Borough Council, are not to be considered as borough accounts, and are therefore to be audited by the District Auditors 58(²).

(*p*) As to the removal by the County Council of any difficulty which may arise with regard to their first election, see section 80. The qualification of the elector also, is to be same as that of the electors of Urban District Councillors, 31(¹) for which, see page 61.

APPENDIX.

APPENDIX A.

CHAPTER 73.

AN ACT TO MAKE FURTHER PROVISION FOR LOCAL A.D. 1894.
GOVERNMENT IN ENGLAND AND WALES.

[5th March, 1894.]

B E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

Part I.

PARISH MEETINGS AND PARISH COUNCILS.

Constitution of Parish Meetings and Parish Councils.

- 1.—(1) There shall be a Parish Meeting for every rural parish, and there shall be a Parish Council for every rural parish which has a population of three hundred or upwards^{*}: Provided that an order of the County Council in pursuance of Part III. of this Act—
(a) Shall, if the Parish Meeting of a rural parish having a population of one hundred or upwards so resolve, provide for establishing a Parish Council in the parish, and may, with the consent of the Parish Meeting of any rural parish having a population of less than one hundred, provide for establishing a Parish Council in the parish; and
(b) May provide for grouping a parish with some neighbouring parish or parishes under a common Parish Council, but with a separate Parish Meeting for every parish so grouped, so, however, that no parish shall be grouped without the consent of the Parish Meeting for that parish.
(2) For the purposes of this Act every parish in a rural sanitary district shall be a rural parish.

* According to the census of 1891, s. 75⁽²⁾.

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A.D. 1894. (3) Where a parish is at the passing of this Act situate partly within and partly without a rural sanitary district, the part of the parish which is within the district, and the part which is without, shall as from the appointed day, but subject to any alteration of area made by or in pursuance of this or any other Act, be separate parishes, in like manner as if they had been constituted separate parishes under the Divided Parishes and Poor Law Amendment Act, 1876, and the Acts amending the same.

Parish Meetings. (2).—(1) The Parish Meeting for a rural parish shall consist of the following persons, in this Act referred to as parochial electors, and no others, namely, the persons registered in such portion either of the local government register of electors or of the parliamentary register of electors as relates to the parish. [See s. 44.]

(2) Each parochial elector may, at any Parish Meeting, or at any poll consequent thereon, give one vote and no more on any question, or, in the case of an election, for each of any number of persons not exceeding the number to be elected.

(3) The Parish Meeting shall assemble at least once in every year, and the proceedings of every Parish Meeting shall begin not earlier than six o'clock in the evening.

(4) Subject to the provisions of this Act as to any particular person being the chairman of a Parish Meeting, the meeting may choose their own chairman. [See s. 45⁽²⁾.]

(5) A poll consequent on a Parish Meeting shall be taken by ballot.

(6) The reasonable expenses of and incidental to the holding of a Parish Meeting or the taking of a poll consequent thereon shall be defrayed as hereinafter provided. [See s. 11⁽⁴⁾.]

(7) With respect to Parish Meetings the provisions in the First Schedule to this Act shall have effect.

Constitution of Parish Council.

(1) The Parish Council for a rural parish shall be elected from among the parochial electors of that parish or persons who have during the whole of the twelve months preceding the election resided in the parish, or within three miles thereof, and shall consist of a chairman and councillors, and the number of councillors shall be such as may be fixed from time to time by the County Council, not being less than five nor more than fifteen.

(2) No person shall be disqualified by sex or marriage for being elected or being a member of a Parish Council.

(3) The term of office of a Parish Councillor shall be one year.

(4) On the fifteenth day of April in each year (in this Act referred to as the ordinary day of coming into office of councillors) the Parish Councillors shall go out of office, and their places shall be filled by the newly-elected councillors.

(5) The Parish Councillors shall be elected by the parochial electors of the parish.

(6) The election* of Parish Councillors shall, subject to the provisions of this Act, be conducted according to rules framed under this Act for that purpose by the Local Government Board.

(7) The Parish Council shall in every year, on or within seven days after the ordinary day of coming into office of councillors, hold an annual meeting.

* Election includes the nomination and the poll, s. 75⁽²⁾.

(8) At the annual meeting, the Parish Council shall elect, A.D. 1894, from their own body or from other persons qualified to be councillors of the parish, a chairman, who shall, unless he resigns, or ceases to be qualified, or becomes disqualified, continue in office until his successor is elected.

(9) Every Parish Council shall be a body corporate by the name of the Parish Council, with the addition of the name of the parish, or if there is any doubt as to the latter name, of such a name as the County Council after consultation with the Parish Meeting of the parish direct, and shall have perpetual succession, and may hold land for the purposes of their powers and duties without licence in mortmain; and any act of the council may be signified by an instrument executed at a meeting of the council, and under the hands or, if an instrument under seal is required, under the hands and seals, of the chairman presiding at the meeting and two other members of the council.

(10) With respect to meetings of Parish Councils the provisions in the First Schedule to this Act shall have effect.

4.—(1) In any rural parish in which there is no suitable public room vested in the Parish Council or in the chairman of a Parish school-Meeting and the overseers, which can be used free of charge for the purposes in this section mentioned, the parochial electors and the Parish Council shall be entitled to use, free of charge, at all reasonable times, and after reasonable notice, for the purpose of—

- (a) The Parish Meeting or any meeting of the Parish Council; or
- (b) Any inquiry for parochial purposes by the Local Government Board or any other Government Department or local authority; or
- (c) Holding meetings convened by the chairman of the Parish Meeting or by the Parish Council, or if as to allotments in the manner prescribed by the Allotments Act, 1890, or 53 & 54 Vict. otherwise as the Local Government Board may by rule prescribe, to discuss any question relating to allotments, under the Allotments Acts, 1887 and 1890, or under this Act; or
- (d) The candidature of any person for the District Council or the Parish Council; or
- (e) Any committee or officer appointed, either by the Parish Meeting or Council or by a County or District Council, to administer public funds within or for the purposes of the parish any suitable room in the schoolhouse of any public elementary school* receiving a grant out of moneys provided by Parliament, and any suitable room, the expense of maintaining which is payable out of any local rate:

Provided that this enactment shall not authorise the use of any room used as part of a private dwelling-house, nor authorise any interference with the school hours of an elementary day or evening school, nor, in the case of a room used for the administration of justice or police, with the hours during which it is used for these purposes.

* A school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction from each scholar exceeds 9d. a week, s. 75⁽²⁾.

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(2) If, by reason of the use of the room for any of the said purposes, any expense is incurred by the persons having control over the room, or any damage is done to the room or to the building of which the room is part, or its appurtenances, or the furniture of the room or the apparatus for instruction, the expense or damage shall be defrayed as part of the expenses of the Parish Meeting or Parish Council or inquiry as the case may be; but when the meeting is called for the purpose of the candidature of any person, such expense or damage shall be reimbursed to the Parish Meeting or the Parish Council by the persons by whom or on whose behalf the meeting is convened.

(3) If any question arises under this section as to what is reasonable or suitable, it may be determined, in the case of a school-house by the Education Department, in the case of a room used for the administration of justice or police by a Secretary of State, and in any other case by the Local Government Board.

Powers and Duties of Parish Councils and Parish Meetings.

Parish
Council to
appoint
overseers.

5.—(1) The power and duty of appointing overseers of the poor, and the power of appointing and revoking the appointment of an assistant overseer, for every rural parish having a Parish Council, shall be transferred to and vested in the Parish Council, and that council shall in each year, at their annual meeting, appoint the overseers of the parish, and shall as soon as may be fill any casual vacancy occurring in the office of overseer of the parish, and shall in either case forthwith give written notice thereof in the prescribed form to the Board of Guardians.

(2) As from the appointed day—

(a) The churchwardens of every rural parish shall cease to be overseers, and an additional number of overseers may be appointed to replace the churchwardens, and

(b) References in any Act to the churchwardens and overseers shall, as respects any rural parish, except so far as those references relate to the affairs of the church, be construed as references to the overseers, and

(c) The legal interest in all property vested either in the overseers or in the churchwardens and overseers of a rural parish, other than property connected with the affairs of the church, or held for an ecclesiastical charity, shall, if there is a Parish Council, vest in that council, subject to all trusts and liabilities affecting the same, and all persons concerned shall make or concur in making such transfers, if any, as are requisite for giving effect to this enactment.

Transfer of
certain
powers of
vestry and
other
authorities
to Parish
Council.

6.—(1) Upon the Parish Council of a rural parish coming into office, there shall be transferred to that council:—

(a) The powers, duties, and liabilities of the vestry of the parish except—

(i) So far as relates to the affairs of the church* or to the ecclesiastical charities*; and

(ii) Any power, duty, or liability transferred by this Act from the vestry* to any other authority:

* For definition, see s. 75(2).

- (b) The powers, duties, and liabilities of the churchwardens of A.D. 1894. the parish, except so far as they relate to the affairs of the church or to charities, or are powers and duties of overseers, but inclusive of the obligations of the churchwardens with respect to maintaining and repairing closed churchyards wherever the expenses of such maintenance and repair are repayable out of the poor rate under the Burial Act, 18 & 19 Vict. 1855 : Provided that such obligations shall not in the case c. 128. of any particular parish be deemed to attach, unless or until the churchwardens subsequently to the passing of this Act shall give a certificate, as in the Burial Act, 1855, provided, in order to obtain the repayment of such expenses out of the poor rate.
- (c) The powers, duties, and liabilities of the overseers or of the churchwardens and overseers of the parish with respect to—
- i. Appeals or objections by them in respect of the valuation list, or appeals in respect of the poor rate, or county rate, or the basis of the county rate ; and
 - ii. The provision of parish books and of a vestry room or parochial office, parish chest, fire engine, fire escape, or matters relating thereto ; and
 - iii. The holding or management of parish property, not being property relating to affairs of the church or held for an ecclesiastical charity, and the holding or management of village greens, or of allotments, whether for recreation grounds or for gardens or otherwise for the benefit of the inhabitants or any of them ;
- (d) The powers exerciseable with the approval of the Local Government Board by the Board of Guardians for the poor law union comprising the parish in respect of the sale, exchange, or letting of any parish property.
- (2) A Parish Council shall have the same power of making any complaint or representation as to unhealthy dwellings or obstructive buildings as is conferred on inhabitant householders by the Housing of the Working Classes Act, 1890, but without prejudice c. 70. to the powers of such householders.
- (3) A Parish Council shall have the same power of making a representation with respect to allotments, and of applying for the election of allotment managers, as is conferred on parliamentary electors by the Allotments Act, 1887, or the Allotments Act, 1890, but without prejudice to the powers of those electors. 50 & 51 Vict. c. 48. 53 & 54 Vict. c. 65.
- (4) Where any Act constitutes any persons wardens for allotments, or authorises or requires the appointment or election of any wardens committee or managers for the purpose of allotments, then, after a Parish Council for the parish interested in such allotments comes into office, the powers and duties of the wardens, committee, or managers shall be exercised and performed by the Parish Council, and it shall not be necessary to make the said appointment or to hold the said election, and for the purpose of 55 & 56 Vict. section sixteen of the Small Holdings Act, 1892, two members of the c. 31.

A.D. 1894. Parish Council shall be substituted for allotment managers or persons appointed as allotment managers.

Transfer of powers under Adoptive Acts. 7.—(1) As from the appointed day, in every rural parish the Parish Meeting shall, exclusively, have the power of adopting any of the following Acts, inclusive of any Acts amending the same all which Acts are in this Act referred to as "the Adoptive Acts":*

- 3 & 4 Will. 4, (a) The Lighting and Watching Act, 1833;
- c. 90, (b) The Baths and Washhouses Acts, 1846 to 1882;
- 9 & 10 Vict. (c) The Burial Acts, 1852 to 1885;
- c. 74, (d) The Public Improvements Act, 1860;
- 45 & 16 Vict. (e) The Public Libraries Act, 1892.
- c. 30, (2) Where under any of the said Acts a particular majority is required for the adoption or abandonment of the Act, or for any matter under such Act the like majority of the Parish Meeting or, if a poll is taken, of the parochial electors, shall be required, and where under any of the said Acts the opinion of the voters is to be ascertained by voting papers, the opinion of the parochial electors shall be ascertained by a poll taken in manner provided by this Act.

(3) Where under any of the said Acts the consent or approval of, or other act on the part of, the vestry of a rural parish is required in relation to any expense or rate, the Parish Meeting shall be substituted for the vestry, and for this purpose the expression "vestry" shall include any meeting of ratepayers or voters.

(4) Where there is power to adopt any of the Adoptive Acts for a part only of a rural parish, the Act may be adopted by a Parish Meeting held for that part.

(5) Where the area under any existing authority acting within a rural parish in the execution of any of the Adoptive Acts is co-extensive with the parish, all powers, duties, and liabilities of that authority shall, on the Parish Council coming into office, be transferred to that council.

(6) This Act shall not alter the incidence of charge of any rate levied to defray expenses incurred under any of the Adoptive Acts, and any such rate shall be made and charged as heretofore, and any property applicable to the payment of such expenses shall continue to be so applicable.

(7) When any of the Adoptive Acts is adopted for the whole or part of a rural parish after the appointed day, and the parish has a Parish Council, the Parish Council shall be the authority for the execution of the Act.

(8) For the purposes of this Act the passing of a resolution to provide a burial ground under the Burial Acts, 1852 to 1885, shall be deemed an adoption of those Acts.

8.—(1) A Parish Council shall have the following additional powers, namely, power—

- Additional powers of Parish Council. (a) To provide or acquire buildings for public offices and for meetings and for any purposes connected with parish business or with the powers or duties of the Parish Council or Parish Meeting; and

* For a summary of the Adoptive Acts, see pages 184—187.

- (b) To provide or acquire land for such buildings and for a A.D. 1894.
recreation ground and for public walks ; and
- (c) To apply to the Board of Agriculture under Section 9 of the 39 & 40 Vict.,
Commons Act, 1876 ; and
- (d) To exercise with respect to any recreation ground, village
green, open space, or public walk, which is for the time
being under their control, or to the expense of which they
have contributed, such powers as may be exercised by an 38 & 39 Vict.
urban authority under section one hundred and sixty-four c. 55.
of the Public Health Act, 1875, or section forty-four of c. 59.
the Public Health Acts Amendment Act, 1890, in relation
to recreation grounds or public walks, and sections one
hundred and eighty-three to one hundred and eighty-six of
the Public Health Act, 1875,* shall apply accordingly as if
the Parish Council were a local authority within the mean-
ing of those sections ; and
- (e) To utilise any well, spring, or stream within their parish
and provide facilities for obtaining water therefrom, but
so as not to interfere with the rights of any corporation or
person ; and
- (f) To deal with any pond, pool, open ditch, drain or place
containing, or used for the collection of, any drainage,
filth, stagnant water, or matter likely to be prejudicial to
health, by draining, cleansing, covering it, or otherwise
preventing it from being prejudicial to health, but so as
not to interfere with any private right or the sewage or
drainage works of any local authority ; and
- (g) To acquire by agreement any right of way, whether within
their parish or an adjoining parish, the acquisition of
which is beneficial to the inhabitants of the parish or any
part thereof ; and
- (h) To accept and hold any gifts of property, real or personal,
for the benefit of the inhabitants of the parish or any
part thereof ; and
- (i) To execute any works (including works of maintenance or
improvement) incidental to or consequential on the exer-
cise of any of the foregoing powers, or in relation to any
parish property, not being property relating to affairs of
the church or held for an ecclesiastical charity ; and
- (j) To contribute towards the expense of doing any of the
things above mentioned, or to agree or combine with any
other Parish Council to do or contribute towards the
expense of doing any of the things above mentioned.
- (2) A Parish Council may let, or, with the consent of the Parish
Meeting, sell or exchange, any land or buildings vested in the
council, but the power of letting for more than a year and the power
of sale or exchange shall not be exercised, in the case of property
which has been acquired at the expense of any rate, or is at the
passing of this Act applied in aid of any rate, or would but for want
of income be so applied, without the consent of the Local Govern-
ment Board, or in any other case without such consent or approva

* See Appendix C, p. 188.

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as is required under the Charitable Trusts Acts, 1853 to 1891, for the sale of charity estates, provided that the consent or approval required under those Acts shall not be required for the letting for allotments of land vested in the Parish Council.

(3) Nothing in this section shall derogate from any obligation of a District Council with respect to the supply of water or the execution of sanitary works.

(4) Notice of any application to the Board of Agriculture in relation to a common shall be served upon the council of every parish in which any part of the common to which the application relates is situate.

Powers for acquisition of land.

33 & 39 Vict. c. 55.

9.—(1) For the purpose of the acquisition of land by a Parish Council the Lands Clauses Acts shall be incorporated with this Act, except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement, and section one hundred and seventy-eight of the Public Health Act, 1875, shall apply as if the Parish Council were referred to therein.

(2) If Parish Council are unable to acquire by agreement and on reasonable terms suitable land for any purpose for which they are authorised to acquire it, they may represent the case to the County Council, and the County Council shall inquire into the representation.

50 & 51 Vict. c. 48.
53 & 54 Vict. c. 65.

(3) If on any such representation, or on any proceeding under the Allotments Acts, 1887 and 1890, a County Council are satisfied that suitable land for the said purpose of the Parish Council or for the purpose of allotments (as the case may be), cannot be acquired on reasonable terms by voluntary agreement, and that the circumstances are such as to justify the County Council in proceeding under this section, they shall cause such public inquiry to be made in the parish, and such notice to be given both in the parish and to the owners, lessees, and occupiers of the land proposed to be taken as may be prescribed, and all persons interested shall be permitted to attend at the inquiry, and to support or oppose the taking of the land.

(4) After the completion of the inquiry, and considering all objections made by any persons interested, the County Council may make an order for putting in force, as respects the said land or any part thereof, the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(5) If the County Council refuse to make any such order, the Parish Council, or, if the proceeding is taken on the petition of the District Council, then the District Council, may petition the Local Government Board, and that board after local inquiry may, if they think proper, make the order, and this section shall apply as if the order had been made by the County Council. Any order made under this subsection overruling the decision of the County Council shall be laid before Parliament by the Local Government Board.

(6) A copy of any order made under this section shall be served in the prescribed manner, together with a statement that the order will become final and have the effect of an Act of Parliament, unless within the prescribed period a memorial by some person

interested is presented to the Local Government Board praying that A.D. 1894. the order shall not become law without further inquiry.

(7) The order shall be deposited with the Local Government Board, who shall inquire whether the provisions of this section and the prescribed regulations have been in all respects complied with; and if the board are satisfied that this has been done, then, after the prescribed period—

- (a) If no memorial has been presented, or if every such memorial has been withdrawn, the Board shall, without further inquiry, confirm the order:
- (b) If a memorial has been presented, the Local Government Board shall proceed to hold a local inquiry, and shall, after such inquiry, either confirm, with or without amendment, or disallow the order:
- (c) Upon any such confirmation the order, and if amended as so amended, shall become final and have the effect of an Act of Parliament, and the confirmation by the Local Government Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made, and is within the powers of this Act.

(8) Sections two hundred and ninety-three to two hundred and ninety-six, and subsections (1) and (2) of section two hundred and ninety-seven of the Public Health Act, 1875, shall apply to a local inquiry held by the Local Government Board for the purposes of this section, as if those sections and subsections were herein re-enacted, and in terms made applicable to such inquiry.

(9) The order shall be carried into effect, when made on the petition of a District Council, by that council, and in any other case by the County Council.

(10) Any order made under this section for the purpose of the purchase of land otherwise than by agreement shall incorporate the Lands Clauses Acts and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845,* with the necessary adaptations, but any question of disputed compensation shall be dealt with in the manner provided by section three of the Allotments Act, 1887, and provisos (a), (b), and (c) of subsection (4) of that section are incorporated with this section and shall apply accordingly: Provided that in determining the amount of disputed compensation, the arbitrator shall not make any additional allowance in respect of the purchase being compulsory.

(11) At any inquiry or arbitration held under this section the person or persons holding the inquiry or arbitration shall hear any authorities or parties interested by themselves or their agents, and shall hear witnesses, but shall not, except in such cases as may be prescribed, hear counsel or expert witnesses.

(12) The person or persons holding a public inquiry for the purposes of this section on behalf of a County Council shall have the same powers as an inspector or inspectors of the Local Government Board when holding a local inquiry; and section two hundred and ninety-four of the Public Health Act, 1875, shall apply to the costs

* See Appendix F, page 194.

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A.D. 1894. of inquiries held by the County Council for the purpose of this section as if the County Council were substituted for the Local Government Board.

(13) Subsection (2) of section two, if the land is taken for allotments, and, whether it is or is not so taken, subsections (5), (6), (7), 50 & 51 Vict. and (8) of section three of the Allotments Act, 1887, and section c. 48. eleven of that Act, and section three of the Allotments Act, 1890, 53 & 54 Vict. are incorporated with this section, and shall, with the prescribed c. 65. adaptations, apply accordingly.

(14) Where the land is acquired otherwise than for allotments, it shall be assured to the Parish Council ; and any land purchased by a County Council for allotments under the Allotments Acts, 1887 and 1890, and this Act, or any of them, shall be assured to the Parish Council, and in that case sections five to eight of the Allotments Act, 1887, shall apply as if the Parish Council were the sanitary authority.

(15) Nothing in this section shall authorise the Parish Council to acquire otherwise than by agreement any land for the purpose of any supply of water, or of any right of way.

(16) In this section the expression "allotments" includes common pasture where authorised to be acquired under the Allotments Act, 1887.

(17) Where, under the Allotments Act, 1890, the Allotments Act, 1887, applies to the purchase of land by the County Council, that Act shall apply as amended by this section, and the Parish Council shall have the like power of petitioning the County Council as is given to six parliamentary electors by section two of the Allotments Act, 1890.

(18) This section shall apply to a county borough with the necessary modifications, and in particular with the modification that the order shall be both made and confirmed by the Local Government Board and shall be carried into effect by the council of the county borough.

(19) The expenses of a County Council incurred under this section shall be defrayed in like manner as in the case of a local inquiry by a County Council under this Act. (See s. 72⁽⁴⁾).

Hiring of land for allotments. 10.—(1) The Parish Council shall have power to hire land for allotments, and if they are satisfied that allotments are required, and are unable to hire by agreement on reasonable terms suitable land for allotments, they shall represent the case to the County Council, and the County Council may make an order authorising the Parish Council to hire compulsorily for allotments, for a period not less than fourteen years nor more than thirty-five years, such land in or near the parish as is specified in the order, and the order shall, as respects confirmation and otherwise, be subject to the like provisions as if it were an order of the County Council made under the last preceding section of this Act, and that section shall apply as if it were herein re-enacted with the substitution of "hiring" for "purchase" and with the other necessary modifications.

(2) A single arbitrator, who shall be appointed in accordance with the provisions of section three of the Allotments Act, 1887,

and to whom the provisions of that section shall apply, shall have A.D. 1894.
power to determine any question—

- (a) As to the terms and conditions of the hiring ; or
- (b) As to the amount of compensation for severance ; or
- (c) As to the compensation to any tenant upon the determination of his tenancy ; or
- (d) As to the apportionment of the rent between the land taken by the Parish Council and the land not taken from the tenant ; or
- (e) As to any other matter incidental to the hiring of the land by the council, or the surrender thereof at the end of their tenancy ;

but the arbitrator in fixing the rent shall not make any addition in respect of compulsory hiring.

(3) The arbitrator, in fixing rent or other compensation, shall take into consideration all the circumstances connected with the land, and the use to which it might otherwise be put by the owner during the term of hiring, and any depreciation of the value to the tenant of the residue of his holding caused by the withdrawal from the holding of the land hired by the Parish Council.

(4) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land hired by the Parish Council shall as far as possible be provided for by taking such compensation into account in fixing, as the case may require, the rent to be paid by the Parish Council for the land hired by them, and the apportioned rent, if any, to be paid by the tenant for that portion of the holding which is not hired by the Parish Council.

(5) The award of the arbitrator or a copy thereof, together with a report signed by him as to the condition of the land taken by the Parish Council, shall be deposited and preserved with the public books, writings, and papers of the parish, and the owner for the time being of the land shall at all reasonable times be at liberty to inspect the same and to take copies thereof.

(6) Save as hereinafter mentioned, sections five to eight of the Allotments Act, 1887, shall apply to any allotment hired by a Parish Council in like manner as if that council were the sanitary authority and also the allotment managers :

Provided that the Parish Council—

- (a) May let to one person an allotment or allotments exceeding one acre, but, if the land is hired compulsorily, not exceeding in the whole four acres of pasture or one acre of arable and three acres of pasture ; and
 - (b) May permit to be erected on the allotment any stable, cow-house, or barn ; and
 - (c) Shall not break up, or permit to be broken up, any permanent pasture, without the assent in writing of the landlord.
- (7) On the determination of any tenancy created by compulsory hiring a single arbitrator who shall be appointed in accordance with the provisions of section three of the Allotments Act, 1887,

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A.D. 1894. shall have power to determine as to the amount due by the landlord for compensation for improvements, or by the Parish Council, for depreciation, but such compensation shall be assessed in accordance with the provisions of the Agricultural Holdings (England) Act, 1883.*

40 & 47 Vict. c. 61. (8) The order for compulsory hiring may apply, with the prescribed adaptations, such of the provisions of the Lands Clauses Acts (including those relating to the acquisition of land otherwise than by agreement) as appear to the County Council or Local Government Board sufficient for carrying into effect the order, and for the protection of the persons interested in the land and of the Parish Council.

55 & 56 Vict. c. 31. (9) Nothing in this section shall authorise the compulsory hiring of any mines or minerals, or confer any right to take, sell, or carry away any gravel, sand, or clay, or authorise the hiring of any land which is already owned or occupied as a small holding within the meaning of the Small Holdings Act, 1892.

(10) If the land hired under this section shall at any time during the tenancy thereof by the Parish Council be shown to the satisfaction of the County Council to be required by the landlord for the purpose of working and getting the mines, minerals, or surface minerals thereunder, or for any road or work to be used in connexion with such working or getting, it shall be lawful for the landlord of such land to resume possession thereof upon giving to the Parish Council twelve calendar months previous notice in writing of his intention so to do, and upon such resumption the landlord shall pay to the Parish Council and to the allotment holders of the land for the time being such sum by way of compensation for the loss of such land for the purposes of allotments as may be agreed upon by the landlord and the Parish Council, or in default of such agreement as may be awarded by a single arbitrator to be appointed in accordance with the provisions of section three of the Allotments Act, 1887, and the provisions of that section shall apply to such arbitrator.

The word "landlord" in this subsection means the person for the time being entitled to receive the rent of the land hired by the Parish Council.

(11) The Local Government Board shall annually lay before Parliament a report of any proceedings under this and the preceding section.

Restrictions on expenditure. 11.—(1) A Parish Council shall not, without the consent of a Parish Meeting, incur expenses or liabilities which will involve a rate exceeding threepence in the pound for any local financial year, or which will involve a loan.

(2) A Parish Council shall not, without the approval of the County Council, incur any expense or liability which will involve a loan.

(3) The sum raised in any local financial year by a Parish Council for their expenses (other than expenses under the Adoptive Acts) shall not exceed a sum equal to a rate of sixpence in the pound on the rateable value of the parish at the commence-

* See Appendix G, page

ment of the year, and for the purpose of this enactment the expression "expenses" includes any annual charge, whether of principal or interest, in respect of any loan.

(4) Subject to the provisions of this Act, the expenses of a Parish Council and of a Parish Meeting, including the expenses of any poll, shall be paid out of the poor rate; and where there is a Parish Council that council shall pay the said expenses of the Parish Meeting of the parish; and the Parish Council, and where there is no Parish Council the chairman of the Parish Meeting, shall, for the purpose of obtaining payment of such expenses, have the same powers as a Board of Guardians have for the purpose of obtaining contributions to their common fund.

(5) The demand note for any rate levied for defraying the expenses of a Parish Council or a Parish Meeting, together with other expenses, shall state in the prescribed form the proportion of the rate levied for the expenses of the council or meeting, and the proportion (if any) levied for the purpose of any of the Adoptive Acts.

12.—(1) A Parish Council for any of the following purposes, that is to say—
Borrowing by Parish Council.

(a) For purchasing any land, or building any buildings, which the council are authorised to purchase or build; and
 (b) For any purpose for which the council are authorised to borrow under any of the Adoptive Acts; and
 (c) For any permanent work or other thing which the council are authorised to execute or do, and the cost of which ought, in the opinion of the County Council and the Local Government Board, to be spread over a term of years; may, with the consent of the County Council and the Local Government Board, borrow money in like manner and subject to the like conditions as a local authority may borrow for defraying expenses incurred in the execution of the Public Health Acts, and sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine of the Public Health Act, 1875, shall apply accordingly, except that the money shall be borrowed on the security of the poor rate and of the whole 38 & 39 Vict. 6. 55. or part of the revenues of the Parish Council, and except that as respects the limit of the sum to be borrowed, one-half of the assessable value shall be substituted for the assessable value for two years.

(2) A County Council may lend to a Parish Council any money which the Parish Council are authorised to borrow, and may, if necessary, without the sanction of the Local Government Board, and irrespectively of any limit of borrowing, raise the money by loan, subject to the like conditions and in the like manner as any other loan for the execution of their duties, and subject to any further conditions which the Local Government Board may by general or special order impose.

(3) A Parish Council shall not borrow for the purposes of any of the Adoptive Acts otherwise than in accordance with this Act, but the charge for the purpose of any of the Adoptive Acts shall ultimately be on the rate applicable to the purposes of that Act.

A.D. 1804.
Footpaths
and roads.

13.—(1) The consent of the Parish Council and of the District Council shall be required for the stopping, in whole or in part, or diversion, of a public right of way within a rural parish, and the consent of the Parish Council shall be required for a declaration that a highway in a rural parish is unnecessary for public use and not repairable at the public expense, and the Parish Council shall give public notice of a resolution to give any such consent, and the resolution shall not operate—

(a) Unless it is confirmed by the Parish Council at a meeting held not less than two months after the public notice is given; nor

(b) If a Parish Meeting held before the confirmation resolve that the consent ought not to be given.

(2) A Parish Council may, subject to the provisions of this Act with respect to restrictions on expenditure, undertake the repair and maintenance of all or any of the public footpaths within their parish, not being footpaths at the side of a public road, but this power shall not nor shall the exercise thereof relieve any other authority or person from any liability with respect to such repair or maintenance.

Public pro-
perty and
charities.

[For restrictions on expenditure, see section 11.]

14.—(1) Where trustees hold any property for the purposes of a public recreation ground or of public meetings, or of allotments, whether under Inclosure Acts or otherwise, for the benefit of the inhabitants of a rural parish, or any of them, or for any public purpose connected with a rural parish, except for an ecclesiastical charity, they may, with the approval of the Charity Commissioners, transfer the property to the Parish Council of the parish, or to persons appointed by that council, and the Parish Council, if they accept the transfer, or their appointees, shall hold the property on the trusts and subject to the conditions on which the trustees held the same.

(2) Where overseers of a rural parish as such are, either alone or jointly with any other persons, trustees of any parochial charity, such number of the councillors of the parish or other persons, not exceeding the number of the overseer trustees, as the council may appoint, shall be trustees in their place, and when the charity is not an ecclesiastical charity, this enactment shall apply as if the churchwardens as such were specified therein as well as the overseers.

(3) Where the governing body of a parochial charity other than an ecclesiastical charity does not include any persons elected by the ratepayers or parochial electors or inhabitants of the parish, or appointed by the Parish Council or Parish Meeting, the Parish Council may appoint additional members of that governing body not exceeding the number allowed by the Charity Commissioners in each case; and if the management of any such charity is vested in a sole trustee, the number of trustees may, with the approval of the Charity Commissioners, be increased to three, one of whom may be nominated by such sole trustee and one by the Parish Council or Parish Meeting. Nothing in this subsection shall prejudicially affect the power or authority of the Charity Commission-

ers, under any of the Acts relating to charities, to settle or alter A.D. 1894.
schemes for the better administration of any charity.

(4) Where the vestry of a rural parish are entitled, under the trusts of a charity other than an ecclesiastical charity, to appoint any trustees or beneficiaries of the charity, the appointment shall be made by the Parish Council of the parish, or in the case of beneficiaries, by persons appointed by the Parish Council.

(5) The draft of every scheme relating to a charity, not being an ecclesiastical charity, which affects a rural parish, shall, on or before the publication of the notice of the proposal to make an order for such scheme in accordance with section six of the Charitable Trusts Act, 1860, be communicated to the council of the parish, and where there is no Parish Council to the chairman of the Parish Meeting, and, in the case of a council, the council may, subject to the provisions of this Act with respect to restrictions on expenditure, and to the consent of the Parish Meeting, either support or oppose the scheme, and shall for that purpose have the same right as any inhabitants of a place directly affected by the scheme.

[The Charitable Trusts Act, 1860, s. 6, "No order can be made before the expiration of one calendar month after public notice of the proposal to make the order shall have been given, and every such notice shall contain (as far as conveniently may be) sufficient particulars of the objects of the proposed order, and shall prescribe a reasonable time within which any objections or suggestions may be made and transmitted to the Board."]

(6) The accounts of all parochial charities, not being ecclesiastical charities, shall annually be laid before the Parish Meeting of c. 124. any parish affected thereby, and the Charitable Trusts Amendment Act, 1855, shall apply with the substitution in section forty-four* of the Parish Meeting for the vestry, and of the chairman of the Parish Meeting for the churchwardens, and the names of the beneficiaries of dole charities shall be published annually in such form as the Parish Council, or where there is no Parish Council the Parish Meeting, think fit.

(7) The term of office of a trustee appointed under this section shall be four years, but of the trustees first appointed as aforesaid one-half, as nearly as may be, to be determined by lot, shall go out of office at the end of two years from the date of their appointment, but shall be eligible for re-appointment.

(8) The provisions of this section with respect to the appointment of trustees, except so far as the appointment is transferred from the vestry, shall not apply to any charity until the expiration of forty years from the date of the foundation thereof, or, in the case of a charity founded before the passing of this Act by a donor or by several donors any one of whom is living at the passing of this Act, until the expiration of forty years from the passing of this Act, unless with the consent of the surviving donor or donors.

(9) Whilst a person is trustee of a parochial charity he shall not, nor shall his wife or any of his children, receive any benefit from the charity.

* See Appendix I, p. 198.

23 & 24 Vict.
c. 136.

APPENDIX A.

A.D. 1894.
Delegated
powers of
Parish
Councils.

Complaint
by Parish
Council of
default of
District
Council.

38 & 39 Vict.
c. 55.

Parish
officers and
parish
documents,
[see s. 81.]

15. A rural District Council may delegate to a Parish Council any power which may be delegated to a parochial committee under the Public Health Acts, and thereupon those Acts shall apply as if the Parish Council were a parochial committee, and where such District Council appoint a parochial committee, consisting partly of members of the District Council and partly of other persons, those other persons shall, where there is a Parish Council, be or be selected from the members of the Parish Council.

16.—(1) Where a Parish Council resolve that a rural District Council ought to have provided the parish with sufficient sewers, or to have maintained existing sewers, or to have provided the parish with a supply of water in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or to have enforced with regard to the parish any provisions of the Public Health Acts which it is their duty to enforce, and have failed so to do, or that they have failed to maintain and repair any highway in a good and substantial manner, the Parish Council may complain to the County Council, and the County Council may, if satisfied after due inquiry that the District Council have so failed as respects the subject matter of the complaint, may resolve that the duties and powers of the District Council for the purpose of the matter complained of shall be transferred to the County Council, and they shall be transferred accordingly.

[As to the costs of the inquiry, see s. 72(1).]

(2) Upon any complaint under this section the County Council may, instead of resolving that the duties and powers of the rural District Council be transferred to them, make such an order as is mentioned in section two hundred and ninety-nine of the Public Health Act, 1875, and may appoint a person to perform the duty mentioned in the order, and upon such appointment sections two hundred and ninety-nine to three hundred and two of the Public Health Act, 1875, shall apply with the substitution of the County Council for the Local Government Board.

[The above sections of the Public Health Act provide for the recovery of the expenses incurred by the County Council, and enable them to borrow money for such purposes if necessary.]

(3) Where a rural District Council have determined to adopt plans for the sewerage or water supply of any contributory place within the district, they shall give notice thereof to the Parish Council of any parish for which the works are to be provided before any contract is entered into by them for the execution of the works. [For definition of "contributory place," see p. 191.]

17.—(1) A Parish Council may appoint one of their number to act as clerk of the Council without remuneration.

(2) If no member of the Parish Council is appointed so to act, and there is an assistant overseer, he, or such one of the assistant overseers, if more than one, as may be appointed by the Council, shall be the clerk of the Parish Council, and the performance of his duties as such shall be taken into account in determining his salary.

(3) If there is no assistant overseer, the Parish Council may A.D. 1894. appoint a collector of poor rates, or some other fit person, to be their clerk, with such remuneration as they may think fit.

(4) A Parish Council shall not appoint to the office of vestry clerk.

(5) When a Parish Council act as a parochial committee by delegation from the District Council, they shall have the services of the clerk of the District Council, unless the District Council otherwise direct.

(6) The Parish Council may appoint one of their own number or some other person to act as treasurer without remuneration, and the treasurer shall give such security as may be required by regulations of the County Council.

(7) All documents required by statute or by standing orders of Parliament to be deposited with the parish clerk of a rural parish shall, after the election of a Parish Council, be deposited with the clerk, or, if there is none, with the chairman of the Parish Council, and the enactments with respect to the inspection of, and taking copies of, and extracts from, any such documents shall apply as if the clerk, or chairman, as the case may be, were mentioned therein.

(8) The custody of the registers of baptisms, marriages, and burials, and of all other books and documents containing entries wholly or partly relating to the affairs of the Church or to ecclesiastical charities, except documents directed by law to be kept with the public books, writings, and papers of the parish, shall remain as provided by the existing law unaffected by this Act. All other public books, writings, and papers of the parish, and all documents directed by law to be kept therewith, shall either remain in their existing custody, or be deposited in such custody as the Parish Council may direct. The incumbent and churchwardens on the one part, and the Parish Council on the other, shall have reasonable access to all such books, documents, writings, and papers, as are referred to in this subsection, and any difference as to custody or access shall be determined by the County Council. [See section 40.]

(9) Every County Council shall from time to time inquire into the manner in which the public books, writings, papers, and documents under the control of the Parish Council or Parish Meeting are kept, with a view to the proper preservation thereof, and shall make such orders as they think necessary for such preservation, and those orders shall be complied with by the Parish Council or Parish Meeting.

18.—(1) A County Council may, on application by the Parish Council, or not less than one-tenth of the parochial electors of a parish,* and on being satisfied that the area or population of the parish is so large, or different parts of the population so situated, as to make a single Parish Meeting for the election of Councillors impracticable or inconvenient, or that it is desirable for any reason that certain parts of the parish should be separately represented on the Council, order that the parish be divided for the purpose of

* Or before the appointed day, by the Vestry. See s. 84⁽³⁾.

A.D. 1891. electing Parish Councillors into wards, to be called parish wards, with such boundaries and such number of Councillors for each ward as may be provided by the order.

(2) In the division of a parish into wards regard shall be had to the population according to the last published census for the time being, and to the evidence of any considerable change of population since that census, and to area, and to the distribution and pursuits of the population, and to all the circumstances of the case.

(3) Any such order may be revoked or varied by the County Council on application by either the council, or not less than one tenth of the parochial electors of the parish, but while in force shall have effect as if enacted by this Act.

(4) In a parish divided into parish wards, there shall be a separate election of Parish Councillors for each ward.

[See section 49.]

Provisions
as to small
parishes.

19. In a rural parish not having a separate Parish Council the following provisions shall, as from the appointed day, but subject to provisions made by a grouping order, if the parish is grouped with some other parish or parishes, have effect:—

(1) At the annual assembly the Parish Meeting shall choose a chairman for the year;

(2) The Parish Meeting shall assemble not less than twice in each year;

(3) The Parish Meeting may appoint a committee of their own number for any purposes which, in the opinion of the Parish Meeting, would be better regulated and managed by means of such a committee, and all the acts of the committee shall be submitted to the Parish Meeting for their approval;

(4) All powers, duties, and liabilities of the vestry shall, except so far as they relate to the affairs of the church or to ecclesiastical charities, or are transferred by this Act to any other authority, be transferred to the Parish Meeting;

(5) The power and the duty of appointing the overseers, and of notifying the appointment, and the power of appointing and revoking the appointment of an assistant overseer shall be transferred to and vest in the Parish Meeting, and the power given by this Act to a Parish Council of appointing trustees of a charity in the place of overseers or churchwardens, shall vest in the Parish Meeting;

[See sections 5 and 14⁽²⁾.]

(6) The chairman of the Parish Meeting and the overseers of the parish shall be a body corporate by the name of the chairman and overseers of the parish, and shall have perpetual succession, and may hold land for the purpose of the parish without licence in mortmain; but shall in all respects act in manner directed by the Parish Meeting and any act of such body corporate shall be executed under the hands, or, if an instrument under seal is required under the hands and seals, of the said chairman and overseers;

- (7) The legal interest in all property which under this Act A.D. 1894 would, if there were a Parish Council, be vested on the appointed day in the Parish Council shall vest in the said body corporate of the chairman and overseers of the parish, subject to all trusts and liabilities affecting the same, and all persons concerned shall make or concur in making such transfers (if any) as are requisite to give effect to this enactment ;
- (8) The provisions of this Act with respect to the stopping or diversion of a public right of way, or the declaring of a highway to be unnecessary and not repairable at the public expense, and with respect to a complaint to a County Council of a default by a District Council, shall apply, with the substitution of the Parish Meeting for the Parish Council ;
- [See section 13.]
- (9) A rate levied for defraying the expenses of the Parish Meeting (when added to expenses under any of the Adoptive Acts) shall not exceed sixpence in the pound in any local financial year ;
- [For restrictions on expenditure where there is a council, see section II⁽³⁾.]
- (10) On the application of the Parish Meeting the County Council may confer on that meeting any of the powers conferred on a Parish Council by this Act ;
- (11) Any act of the Parish Meeting may be signified by an instrument executed at the meeting under the hands, or, if an instrument under seal is required under the hands and seals, of the Chairman presiding at the meeting and two other parochial electors present at the meeting.
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PART II.

Part II.

GUARDIANS AND DISTRICT COUNCILS.

- 20.** As from the appointed day the following provisions shall apply to boards of guardians :—
- (1) There shall be no ex officio or nominated guardians : and qualification of guardians.
[See sub-section 7.]
- (2) A person shall not be qualified to be elected or to be a guardian for a poor law union unless he is a parochial elector of some parish within the union, or has during the whole of the twelve months preceding the election resided in the union, or in the case of a guardian for a parish wholly or partly situate within the area of a borough, whether a county borough or not, is qualified to be elected a councillor for that borough, and no person shall be disqualified by sex or marriage for being elected or being

APPENDIX A.

- a guardian. So much of any enactment, whether in a public general or local and personal Act*, as relates to the qualification of a guardian shall be repealed :
- (3) The parochial electors of a parish shall be the electors of the guardians for the parish, and, if the parish is divided into wards for the election of guardians, the electors of the guardians for each ward shall be such of the parochial electors as are registered in respect of qualifications within the ward :
 - (4) Each elector may give one vote and no more for each of any number of persons not exceeding the number to be elected :
 - (5) The election† shall, subject to the provisions of this Act, be conducted according to rules framed under this Act by the Local Government Board :
[See section 48.]
 - (6) The term of office of a guardian shall be three years, and one-third, as nearly as may be, of every board of guardians shall go out of office on the fifteenth day of April in each year, and their places shall be filled by the newly elected guardians. Provided as follows:—
 - (a) Where the County Council on the application of the board of guardians of any union in their county consider that it would be expedient to provide for the simultaneous retirement of the whole of the board of guardians for the union, they may direct that the members of the board of guardians for that union shall retire together on the fifteenth day of April in every third year, and such order shall have full effect, and where a union is in more than one county, an order may be made by a joint committee of the councils of those counties ;
 - (b) Where at the passing of this Act the whole of the guardians of any union, in pursuance of an order of the Local Government Board, retire together at the end of every third year, they shall continue so to retire, unless a County Council, or a joint committee of the County Councils, on the application of the board of guardians or of any district council of a district wholly or partially within the union, otherwise direct :
 - (7) A board of guardians may elect a chairman or vice-chairman, or both, and not more than two other persons, from outside their own body, but from persons qualified to be guardians of the union, and any person so elected shall be an additional guardian and member of the board. Provided that on the first election, if a sufficient number of persons who have been ex-officio or nominated guardians of the union, and have actually served as such, are willing to serve, the additional members shall be elected from among those persons.

* For definition, see s. 75⁽²⁾.

† Election includes the nomination and the poll, s. 75⁽²⁾.

21. As from the appointed day,—

- (1) Urban sanitary authorities shall be called urban district councils, and their districts shall be called urban districts; but nothing in this section shall alter the style or title of and districts the corporation or council of a borough; A.D. 1894.
Names of
county
districts
and dis-
trict coun-
cils.
- (2) For every rural sanitary district there shall be a rural district council whose district shall be called a rural district;
- (3) In this and every other Act of Parliament, unless the context otherwise requires, the expression "district council" shall include the council of every urban district, whether a borough or not, and of every rural district, and the expression "county district" shall include every urban and rural district whether a borough or not.

22. The chairman of a district council,* unless a woman or personally disqualified by any Act, shall be by virtue of his office Chairman of the peace for the county in which the district is situate, justice before acting as such justice he shall, if he has not already done so, take the oaths required by law to be taken by a justice of the peace other than the oath respecting the qualification by estate,

23. As from the appointed day, where an urban district is not a borough,—Constitu-
tion of
district
councils in
urban dis-
tricts not
being
boroughs.

- (1) There shall be no ex-officio or nominated members of the urban sanitary authority;
- (2) A person shall not be qualified to be elected or to be a councillor unless he is a parochial elector† of some parish within the district, or has during the whole of the twelve months preceding the election resided in the district, and no person shall be disqualified by sex or marriage for being elected or being a councillor. So much of any enactment whether in a public general or local and personal Act as relates to the qualification of a member of an urban sanitary authority shall be repealed;
- (3) The parochial electors of the parishes in the district shall be the electors of the councillors of the district, and, if the district is divided into wards, the electors of the councillors for each ward shall be such of the parochial electors as are registered in respect of qualifications within the ward;
- (4) Each elector may give one vote and no more for each of any number of persons not exceeding the number to be elected;
- (5) The election‡ shall, subject to the provisions of this Act, be conducted according to rules framed under this Act by the Local Government Board;
- (6) The term of office of a councillor shall be three years, and one-third, as nearly as may be, of the council, and if the district is divided into wards one-third, as nearly as may be, of the councillors for each ward shall go out of office on the fifteenth day of April in each year, and their places shall be filled by the newly elected councillors. Provided that a

* Including the Council of a borough, see s. 21(3).

† For definition, see s. 75(2).

‡ See note on opposite page.

APPENDIX A.

A.D. 1894.

Rural
district
councils.

County Council may on request made by a resolution of an Urban District Council, passed by two-thirds of the members voting on the resolution, direct that the members of such council shall retire together on the fifteenth day of April in every third year, and such order shall have full effect.

24.—(1) The District Council of every rural district shall consist of a chairman and councillors, and the councillors shall be elected by the parishes or other areas for the election of guardians in the district.

(2) The number of councillors for each parish or other area in a rural district shall be the same as the number of guardians for that parish or area. [See s. 79⁽²⁾.]

(3) The District Councillors for any parish or other area in a rural district shall be the representatives of that parish or area on the Board of Guardians, and when acting in that capacity shall be deemed to be guardians of the poor, and guardians as such shall not be elected for that parish or area.

(4) The provisions of this Act with respect to the qualification, election,* and term of office and retirement of guardians, and to the qualification of the chairman of the Board of Guardians, shall apply to District Councillors and to the chairman of the District Council of a rural district, and any person qualified to be a guardian for a Union comprising the district shall be qualified to be a District Councillor for the district. [See s. 20.]

(5) Where a rural sanitary district is on the appointed day situate in more than one administrative county, such portion thereof as is situate in each administrative county shall, save as otherwise provided by or in pursuance of this or any other Act, be as from the appointed day a rural district; [as to the alteration of areas, see s. 36.]

Provided that where the number of councillors of any such district will be less than five, the provisions, so far as unrepealed,† of section nine of the Public Health Act, 1875, with respect to the nomination of persons to make up the members of a rural authority to five, shall apply, unless the Local Government Board by order direct that the affairs of the district shall be temporarily administered by the District Council of an adjoining district in another county with which it was united before the appointed day, and, if they so direct, the councillors of the district shall be entitled, so far as regards those affairs, to sit and act as members of that District Council, but a separate account shall be kept of receipts and expenses in respect of the district, and the same shall be credited or charged separately to the district..

(6) The said provisions of section nine of the Public Health Act, 1875, shall apply to the District Council of a rural district to which they apply at the passing of this Act.

(7) Every District Council for a rural district shall be a body corporate by the name of the District Council, with the addition of the name of the district, or if there is any doubt as to the latter name, of such name as the County Council direct, and shall have perpetual succession and a common seal, and may hold land for

* Election includes the nomination and the poll, s. 75⁽²⁾.

† See Schedule II. of the present Act, p. 183.

the purposes of their powers and duties without licence in mort- A.D. 1894.
main.

25.—(1) As from the appointed day, there shall be transferred to the District Council of every rural district all the powers, duties, and liabilities of the rural sanitary authority in the district, and of any highway authority in the district, and highway boards shall cease to exist, and rural District Councils shall be the successors of the rural sanitary authority and highway authority, and shall also have as respects highways all the powers, duties, and liabilities of an urban sanitary authority under sections one hundred and forty-four to one hundred and forty-eight of the Public Health Act, 1875*, and those sections shall apply in the case of a rural district and of the council thereof in like manner as in the case of an urban district and an urban authority. Provided that the council of any county may by order postpone within their county or any part thereof the operation of this section, so far as it relates to highways, for a term not exceeding three years from the appointed day or such further period as the Local Government Board may on the application of such council allow. [See s. 82, and Appendix J, p. 199.]

(2) Where a highway repairable ratione tenure appears on the report of a competent surveyor not to be in proper repair, and the person liable to repair the same fails when requested so to do by the District Council to place it in proper repair, the District Council may place the highway in proper repair, and recover from the person liable to repair the highway the necessary expenses of so doing.

(3) Where a highway authority receives any contribution from the County Council towards the cost of any highway under section eleven, subsection (10), of the Local Government Act, 1888, such contribution may be made, subject to any such conditions for the proper maintenance and repair of such highways, as may be agreed on between the County Council and the highway authority.

[Local Government Act, 1888, s. 11 (10).]

"The County Council may, if they think fit, contribute towards the costs of the maintenance, repair, enlargement, and improvement of any highway or public footpath in the county, although the same is not a main road."]

(4) Where the council of a rural district become the highway authority for that district, any excluded part of a parish under section two hundred and sixteen of the Public Health Act, 1875, which is situate in that district, shall cease to be part of any urban district for the purpose of highways, but until the council become the highway authority such excluded part of a parish shall continue subject to the said section. [See page 78.]

(5) Rural District Councils shall also have such powers, duties, and liabilities of urban sanitary authorities under the Public Health Acts or any other Act, and such provisions of any of those Acts relating to urban districts shall apply to rural districts, as the Local Government Board by general order direct.

(6) The power to make such general orders shall be in addition to and not in substitution for the powers conferred on the Board by

* See Appendix C, page 188.

A.D. 1894. section two hundred and seventy-six of the Public Health Act, 1875, or by any enactment applying that section ; and every order made by the Local Government Board under this section shall be forthwith laid before Parliament.

(7) The powers conferred on the Local Government Board by the said section two hundred and seventy-six, or by any enactment applying that section, may be exercised on the application of a County Council, or with respect to any parish or part of a parish on the application of the Parish Council of that parish.

Duties and powers of District Council as to rights of way, rights of common, and roadside waste. **26.**—(1) It shall be the duty of every District Council to protect all public rights of way, and to prevent as far as possible the stopping or obstruction of any such right of way, whether within their district or in an adjoining district in the county or counties in which the district is situate, where the stoppage or obstruction thereof would in their opinion be prejudicial to the interests of their district, and to prevent any unlawful encroachment on any roadside waste within their district.

(2) A District Council may with the consent of the County Council for the county within which any common land is situate aid persons in maintaining rights of common where, in the opinion of the council, the extinction of such rights would be prejudicial to the inhabitants of the district ; and may with the like consent exercise in relation to any common within their district all such powers as may, under section eight of the Commons Act, 1876,* be exercised by an urban sanitary authority in relation to any common referred to in that section ; and notice of any application to the Board of Agriculture in relation to any common within their district shall be served upon the District Council.

[For Section 8 of the Commons Act, 1876, see page 197.]

(3) A District Council may, for the purpose of carrying into effect this section, institute or defend any legal proceedings, and generally take such steps as they deem expedient.

(4) Where a Parish Council have represented to the District Council that any public right of way within the district or an adjoining district in the county or counties in which the district is situate has been unlawfully stopped or obstructed, or that an unlawful encroachment has taken place on any roadside waste within the district, it shall be the duty of the District Council, unless satisfied that the allegations of such representation are incorrect, to take proper proceedings accordingly ; and if the District Council refuse or fail to take any proceedings in consequence of such representation, the Parish Council may petition the County Council for the county within which the way or waste is situate, and if that Council so resolve the powers and duties of the District Council under this section shall be transferred to the County Council.

[See further, section 63.]

(5) Any proceedings or steps taken by a District Council or County Council in relation to any alleged right of way shall not be deemed to be unauthorised by reason only of such right of way not being found to exist.

* See Appendix H, page 197.

on that council or some other representative body within the A.D. 1894. borough or district all or any of the following matters, namely, certain provisions the appointment of overseers and assistant overseers, the revocation of Act to of appointment of assistant overseers, any powers, duties, or liabilities of urban districts and Parish Council, and applying with the necessary modifications the London. provisions of this Act with reference thereto.

[See sections 34 and 50.]

(2) Where it appears to the Local Government Board that, by reason of the circumstances connected with any parish in a municipal borough (including a county borough) or other urban district divided into wards, or with the parochial charities of that parish, the parish will not, if the majority of the body of trustees administering the charity are appointed by the council of the borough or district, be properly represented on that body, they may, by their order, provide that such of those trustees as are appointed by the council, or some of them, shall be appointed on the nomination of the councillors elected for the ward or wards comprising such parish or any part of the parish.

(3) Any order under this section may provide for its operation extending either to the whole or to specified parts of the area of the borough or urban district, and may make such provisions as seem necessary for carrying the order into effect.

(4) The order shall not alter the incidence of any rate, and shall make such provisions as may seem necessary and just for the preservation of the existing interests of paid officers.

(5) An order under this section may also be made on the application of any representative body within a borough or district.

(6) The provisions of this section respecting councils of urban districts shall apply to the administrative county of London in like manner as if the district of each sanitary authority in that county were an urban district, and the sanitary authority were the council of that district.

(7) The Local Government Board shall consult the Charity Commissioners before making any order under this section with respect to any charity.

34.—Where an order of the Local Government Board under this Act confers on the council of an urban district, or some other representative body within the district, either the appointment of overseers and assistant overseers or the powers, duties, and liabilities of overseers, that order or any subsequent order of the Board may confer on such council or body the powers of the vestry under the third and fourth sections of the Poor Rate Assessment and Collection Act, 1869.

35.—Save as specially provided by this Act, this Part of this Act shall not apply to the administrative county of London or to a county borough.

[See sections 30 to 33.]

Supple-
mental
provisions
as to con-
trol of over-
seers in
urban dis-
tricts.
32 & 33 Vict.
c. 41.

Restric-
tions on ap-
plication of
Act to Lon-
don, etc.

A.D. 1894.

Part III.

PART III.

AREAS AND BOUNDARIES.

[See sections 69 and 71.]

Duties and
powers of
County
Council
with re-
spect to
areas and
boundaries.

36.—(1) For the purpose of carrying this Act into effect in the case of—

- (a) Every parish and rural sanitary district which at the passing of this Act is situate partly within and partly without an administrative county ; and
- (b) Every parish which at the passing of this Act is situate partly within and partly without a sanitary district ; and
- (c) Every rural parish which has a population of less than two hundred ; and
- (d) Every rural sanitary district which at the passing of this Act has less than five elective guardians capable of acting and voting as members of the rural sanitary authority of the district ; and
- (e) Every rural parish which is co-extensive with a rural sanitary district ;

* every County Council shall forthwith take into consideration every such case within their county, and whether any proposal has or has not been made as mentioned in section fifty-seven of the Local Government Act, 1888, shall as soon as practicable, in accordance with that section, cause inquiries to be made and notices given, and make such orders, if any, as they deem most suitable for carrying into effect this Act in accordance with the following provisions, namely:—

- (i.) The whole of each parish, and, unless the County Council for special reasons otherwise direct, the whole of each rural district shall be within the same administrative county ;
 - (ii.) The whole of each parish shall, unless the County Council for special reasons otherwise direct, be within the same County District ; and
 - (iii.) Every rural district which will have less than five elected councillors shall, unless for special reasons the County Council otherwise direct, be united to some neighbouring district or districts.
- (2) Where a parish is at the passing of this Act situate in more than one urban district, the parts of the parish in each such district shall, as from the appointed day, unless the County Council for special reasons otherwise direct, and subject to any alteration of area made by or in pursuance of this or any other Act, be separate parishes, in like manner as if they had been constituted separate parishes under the Divided Parishes and Poor Law Amendment Act, 1876, and the Acts amending the same.
- <sup>no
for
Vict.
justices
powers.
Powers to
apply</sup> (3) Where a parish is divided by this Act, the County Council by order provide for the application to different parts of that of the provisions of this Act with respect to the appointment

of trustees or beneficiaries of a charity and for the custody of parish documents, but the order, so far as regards the charity, shall not have any effect until it has received the approval of the Charity Commissioners.

[See section 40.]

(4) Where a rural parish is co-extensive with a rural sanitary district, then, until the district is united to some other district or districts, and unless the County Council otherwise direct, a separate election of a Parish Council shall not be held for the parish, but the District Council shall, in addition to their own powers, have the powers of, and be deemed to be, the Parish Council.

(5) Where an alteration of the boundary of any county or borough seems expedient for any of the purposes mentioned in this section, application shall be made to the Local Government Board for an order under section fifty-four of the Local Government Act, 1888.

(6) Where the alteration of a poor law union seems expedient by reason of any of the provisions of this Act, the County Council may, by their order, provide for such alteration in accordance with section fifty-eight of the Local Government Act, 1888, or otherwise, but this provision shall not affect the powers of the Local Government Board with respect to the alteration of unions.

(7) Where an order for the alteration of the boundary of any parish or the division thereof, or the union thereof or of any part thereof, with another parish is proposed to be made after the appointed day, notice thereof shall, a reasonable time before it is made, be given to the Parish Council of that parish, or if there is no Parish Council, to the Parish Meeting, and that Parish Council or Parish Meeting, as the case may be, shall have the right to appear at any inquiry held by the County Council with reference to the order, and shall be at liberty to petition the Local Government Board against the confirmation of the order.

(8) Where the alteration of the boundary of any parish, or the division thereof or the union thereof or of part thereof with another parish, seems expedient for any of the purposes of this Act, provision for such alteration, division, or union may be made by an order of the County Council confirmed by the Local Government Board under section fifty-seven of the Local Government Act, 1888. 51 & 52 Vict. c. 41.

(9) Where a parish is by this Act divided into two or more parishes, those parishes shall, until it is otherwise provided, be included in the same poor law union in which the original parish was included.

(10) Subject to the provisions of this Act, any order made by a County Council in pursuance of this Part of this Act shall be deemed to be an order under section fifty-seven of the Local Government Act, 1888, and any board of guardians affected by an order shall have the same right of petitioning against that order as is given by that section to any other authority.

(11) Where any of the areas referred to in section fifty-seven of the Local Government Act, 1888, is situate in two or more counties,

A.D. 1894. or the alteration of any such area would alter the boundaries of a poor law union situate in two or more counties, a joint committee appointed by the councils of those counties shall, subject to the terms of delegation, be deemed to have and to have always had power to make orders under that section with respect to that area; and where at the passing of this Act a rural sanitary district or parish is situate in more than one county, a joint committee of the councils of those counties shall act under this section, and if any of those councils do not, within two months after request from any other of them, appoint members of such joint committee, the members of the committee actually appointed shall act as the joint committee. Provided that any question arising as to the constitution or procedure of any such joint committee shall, if the County Councils concerned fail to agree, be determined by the Local Government Board.

50 & 51 Vict. c. 61. (12) Every report made by the Boundary Commissioners under the Local Government Boundaries Act, 1887, shall be laid before the council of any administrative county or borough affected by that report, and before any joint committee of County Councils, and it shall be the duty of such councils and joint committees to take such reports into consideration before framing any order under the powers conferred on them under this Act.

(13) Every County Council shall, within two years after the passing of this Act, or within such further period as the Local Government Board may allow either generally or with reference to any particular matter, make such orders under this section as they deem necessary for the purpose of bringing this Act into operation, and after the expiration of the said two years or further period the powers of the County Council for that purpose shall be transferred to the Local Government Board, who may exercise those powers.

Provisions as to parishes having parts with defined boundaries. 37.—Where it is proved to the satisfaction of the County Council that any part of a parish has a defined boundary, and has any property or rights distinct from the rest of the parish, the County Council may order that the consent of a Parish Meeting held for that part of the parish shall be required for any such act or class of acts of the Parish Council affecting the said property or rights as is specified in the order. [See section 40, also section 56 (2).]

Orders for grouping parishes and dissolving groups. 38.—(1) Where parishes are grouped, the grouping order shall make the necessary provisions for the name of the group, for the Parish Meetings in each of the grouped parishes, and for the election in manner provided by this Act of separate representatives of each parish on the Parish Council, and may provide for the consent of the Parish Meeting of a parish to any particular act of the Parish Council, and for any other adaptations of this Act to the group of parishes, or to the Parish Meetings in the group. [See section 55.]

(2) Where parishes are grouped the whole area under each Parish Council shall, unless the County Council for special reasons otherwise direct, be within the same administrative county and county district.

(3) Where parishes are grouped, the grouping order shall provide for the application of the provisions of this Act with respect to

the appointment of trustees and beneficiaries of a charity, and the A.D. 1894.
custody of documents, so as to preserve the separate rights of each
Parish. [See sections 14 and 17 (7)-(9) and section 40.]

(4) The Parish Meeting of any parish may apply to the County Council for a grouping order respecting that parish, and, if the parish has a less population than two hundred, for a Parish Council, and any such application shall be forthwith taken into consideration by the County Council.

(5) The County Council may, on the application of the Council for any group of parishes or of the Parish Meeting for any parish included in a group of parishes, make an order dissolving the group, and shall by the order make such provision as appears necessary for the election of Parish Councils of the parishes in the group and for the adjustment of property, rights, and liabilities as between separate parishes and the group. [See section 40.]

39. —(1) Where the population of a parish not having a separate Parish Council increases so as to justify the election of such council, Provisions for increase and the Parish Meeting may petition the County Council, and the County Council, if they think proper, may order the election of a Parish population. Council in that parish, and shall by the order make such provision as appears necessary for separating the parish from any group of parishes in which it is included, and for the alteration of the Parish Council of the group, and for the adjustment of property, rights, and liabilities as between the group and the parish with a separate Parish Council.

(2) Where the population of a parish, according to the last published census for the time being, is less than two hundred, the Parish Meeting may petition the County Council, and the County Council, if they think proper, may order the dissolution of the Parish Council, and from and after the date of the order this Act shall apply to that parish as to a parish not having a Parish Council. The order shall make such provision as appears necessary for carrying it into effect, and for the disposal and adjustment of the property, rights, and liabilities of the Parish Council. Where a petition for such an order is rejected, another petition for the same purpose may not be presented within two years from the presentation of the previous petition.

40. —A grouping order, and an order establishing or dissolving Certain Parish Council, or dissolving a group of parishes, and an order orders of relating to the custody of parish documents or requiring the County approval of the Charity Commissioners, and an order requiring the to require consent of the Parish Meeting for any part of the parish to any Act confirmation, or class of Acts of the Parish Council, shall not require submission to or confirmation by the Local Government Board.

41. —The time for petitioning against an order under section Reduction fifty-seven of the Local Government Act, 1888, shall be six weeks instead of three months after the notice referred to in subsection of time for appealing against County three of that section.

42. —When an order under section fifty-seven of the Local Council Government Act, 1888, has been confirmed by the Local Govern- orders. ment Board, such order shall at the expiration of six months from that

A.D. 1894.
Supple-
men-tal pro-
vi-sions as
to Parish
Meetings.
Disquali-
fication for
Parish or
District
Council.

- (3) The chairman of the Parish Council, or any two Parish Councillors, or the chairman of the Parish Meeting,* or any six parochial electors, may at any time convene a Parish Meeting.
- 46.—(1)** A person shall be disqualified for being elected or being a member or chairman of a council of a parish or of a district other than a borough or of a Board of Guardians if he—
- (a) Is an infant or an alien; or
 - (b) Has within twelve months before his election, or since his election, received union or parochial relief; or
 - (c) Has, within five years before his election or since his election, been convicted either on indictment or summarily of any crime, and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, and has not received a free pardon, or has, within or during the time aforesaid, been adjudged bankrupt, or made a composition or arrangement with his creditors; or
 - (d) Holds any paid office under the Parish Council or District Council or Board of Guardians, as the case may be; or
 - (e) Is concerned in any bargain or contract entered into with the council or board, or participates in the profit of any such bargain or contract or of any work done under the authority of the council or board.
- (2) Provided that a person shall not be disqualified for being elected or being a member or chairman of any such council or board by reason of being interested—
- (a) In the sale or lease of any lands or in any loan of money to the council or board, or in any contract with the council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges, or in the transport of materials for the repair of roads or bridges in his own immediate neighbourhood; or
 - (b) In any newspaper in which an advertisement relating to the affairs of the council or board is inserted; or
 - (c) In any contract with the council or board as a shareholder in any joint stock company; but he shall not vote at any meeting of the council or board on any question in which such company are interested, except that in the case of a water company or other company established for the carrying on of works of a like public nature, this prohibition may be dispensed with by the County Council.
- (3) Where a person who is a Parish Councillor, or is a candidate for election as a Parish Councillor, is concerned in any such bargain or contract, or participates in any such profit, as would disqualify him for being a Parish Councillor, the disqualification may be removed by the County Council if they are of opinion that such removal will be beneficial to the parish.
- (4) Where a person is disqualified by being adjudged bankrupt or making a composition or arrangement with his creditors, the disqualification shall cease, in case of bankruptcy, when the adjudication is annulled, or when he obtains his discharge with a

* Where the parish has no separate Parish Council, s. 19(1).

certificate that his bankruptcy was caused by misfortune without A.D. 1894.
any misconduct on his part, and, in case of composition or arrangement,
ment, on payment of his debts in full.

(5) A person disqualified for being a guardian shall also be disqualified for being a rural district councillor.

(6) If a member of a council of a parish, or of a district other than a borough, or of a Board of Guardians, is absent from meetings of the council or board for more than six months consecutively, except in case of illness or for some reason approved by the council or board, his office shall on the expiration of those months become vacant.

(7) Where a member of a council or Board of Guardians becomes disqualified for holding office, or vacates his seat for absence, the council or board shall forthwith declare the office to be vacant, and signify the same by notice signed by three members and countersigned by the clerk of the council or board, and notified in such manner as the council or board direct, and the office shall thereupon become vacant.

(8) If any person acts when disqualified, or votes when prohibited under this section, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

(9) This section shall apply in the case of any authority whose members are elected in accordance with this Act in like manner as if that authority were a District Council, and in the case of London auditors as if they were members of a District Council.

47.—(1) If at the annual election of parish councillors any vacancies are not filled by election, such number of the retiring mental pro-
councillors as are not re-elected, and are required to fill the ^{visions as to} Parish
vacancies, shall, if willing, continue to hold office. The coun-^{Parish}
cillors so to continue shall be those who were highest on the poll
at the previous election, or if the numbers were equal or there was
no poll, as may be determined by the Parish Meeting, or if not so
determined, by the chairman of the Parish Council.

(2) A retiring parish councillor or chairman of a Parish Council or Parish Meeting shall be re-eligible.

(3) A parish councillor may, by notice in writing to the chairman of the council, resign his office, and a chairman of a Parish Council or Parish Meeting may resign his chairmanship by notice in writing to the council or meeting.

(4) A casual vacancy among parish councillors or in the office of chairman of the council shall be filled by the Parish Council, and where there is no Parish Council, a casual vacancy in the office of chairman of the Parish Meeting shall be filled by the Parish Meeting, and the person elected shall retire from office at the time when the vacating councillor or chairman would have retired.

(5) If any Parish Council become unable to act by reason of a want of councillors, whether from failure to elect or otherwise, the County Council may order a new election, and may by order make such provision as seems expedient for authorising any person to act temporarily in the place of the Parish Council and of the chairman thereof.

APPENDIX A.

A.D. 1894.
Supple-
mental pro-
visions as
to elections,
polls, and
tenure of
office.

48.—(1) The election of a parish councillor shall be at a Parish Meeting, or a poll consequent thereon.

(2) Rules framed under this Act by the Local Government Board in relation to elections shall, notwithstanding anything in any other Act, have effect as if enacted in this Act, and shall provide, amongst other things—

- (i) For every candidate being nominated in writing by two parochial electors as proposer and seconder and no more;
- (ii) For preventing an elector at an election for a union or for a district not a borough from subscribing a nomination paper or voting in more than one parish or other area in the union or district;
- (iii) For preventing an elector at an election for a parish divided into parish wards from subscribing a nomination paper or voting for more than one ward;
- (iv) For fixing or enabling the County Council to fix the day of the poll and the hours during which the poll is to be kept open, so, however, that the poll shall always be open between the hours of six and eight in the evening;
- (v) For the polls at elections held at the same date and in the same area being taken together, except where this is impracticable;
- (vi) For the appointment of returning officers for the elections.

(3) At every election regulated by rules framed under this Act, 35 & 36 Vict. the poll shall be taken by ballot, and the Ballot Act, 1872, and the c. 33. Municipal Elections (Corrupt and Illegal Practices) Act, 1884, 47 & 48 Vict. and sections seventy-four and seventy-five and Part IV. of the c. 70. Municipal Corporations Act, 1882, as amended by the last-men- c. 50. tioned Act (including the penal provisions of those Acts)* shall, subject to adaptations, alterations, and exceptions made by such rules, apply in like manner as in the case of a municipal election. Provided that :—

(a) Section six of the Ballot Act, 1872, shall apply in the case of such elections, and the returning officer may, in addition to using the schools and public rooms therein referred to free of charge, for taking the poll, use the same, free of charge, for hearing objections to nomination papers and for counting votes; and

(b) Section thirty-seven of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall apply as if the election were an election mentioned in the First Schedule to that Act.

(4) The provisions of the Municipal Corporations Act, 1882, and the enactments amending the same, with respect to the expenses of elections of councillors of a borough, and to the acceptance of office, resignation, re-eligibility of holders of office, and the filling of casual vacancies, and section fifty-six of the Act, shall, subject to the adaptations, alterations, and exceptions made by the said rules, apply in the case of guardians and of district councillors of a county district not a borough, and of members of the local board of Woolwich, and of a vestry under the Metropolis

* See page 18.

Management Acts, 1855 to 1890, and any Act amending the same. A.D. 1894.
Provided that :—

- (a) The provisions as to resignation shall not apply to guardians, and district councillors of a rural district shall be in the same position with respect to resignation as members of a board of guardians ; and
 - (b) Nothing in the enactments applied by this section shall authorise or require a returning officer to hold an election to fill a casual vacancy which occurs within six months before the ordinary day of retirement from the office in which the vacancy occurs, and the vacancy shall be filled at the next ordinary election ; and
 - (c) The rules may provide for the incidence of the charge for the expenses of the elections of guardians being the same as heretofore.
- (5) If any difficulty arises as respects the election of any individual councillor or guardian, or member of any such local board or vestry as aforesaid, or auditor, and there is no provision for holding another election, the County Council may order a new election to be held, and give such directions as may be necessary for the purpose of holding the election.

(6) Any ballot boxes, fittings, and compartments provided by or belonging to any public authority, for any election (whether parliamentary, county council, municipal, school board, or other), shall, on request, and if not required for immediate use by the said authority, be lent to the returning officer for an election under this Act, upon such conditions and either free of charge or, except in the prescribed cases, for such reasonable charge as may be prescribed.

(7) The expenses of any election under this Act shall not exceed the scale fixed by the County Council, and if at the beginning of one month before the first election under this Act a County Council have not framed any such scale for their county, the Local Government Board may frame a scale for the county, and the scale so framed shall apply to the first election, and shall have effect as if it had been made by the County Council, but shall not be alterable until after the first election.

(8) This section shall, subject to any adaptations made by the said rules, apply in the case of every poll consequent on a Parish Meeting, as if it were a poll for the election of Parish Councillors.

49.—Where a Parish Meeting is required or authorised in pursuance of this Act to be held for a ward or other part of a parish, then—

- (a) The persons entitled to attend and vote at the Meeting, or at any poll consequent thereon, shall be the parochial electors registered in respect of qualifications in that ward or part ; and
- (b) The provisions of this Act with respect to Parish Meetings for the whole of a parish, including the provisions with respect to the convening of a Parish Meeting by parochial electors, shall apply as if the ward or part were the whole parish.

Provisions
as to Parish
Meeting for
part of
parish.

A.D. 1894. **50.**—If, in the case of a rural parish or of any urban parish in respect to which the power of appointing overseers has been transferred under this Act, notice in the prescribed form of the appointment of overseers is not received by the guardians of the poor law union comprising the parish within three weeks after the fifteenth day of April, or after the occurrence of a vacancy in the office of overseer, as the case may be, the guardians shall make the appointment or fill the vacancy, and any overseer appointed by the guardians shall supersede any overseer previously appointed whose appointment has not been notified. Any such notice shall be admissible as evidence that the appointment has been duly made.

Parish and District Councils.

Public notices.

51.—A public notice given by a Parish Council for the purposes of this Act, or otherwise for the execution of their duties, and a public notice of a Parish Meeting, shall be given in the manner required for giving notice of Vestry meetings, and by posting the notice in some conspicuous place or places within the parish, and in such other manner (if any) as appears to the Council or to the persons convening the meeting desirable for giving publicity to the notice.

Supplemental provisions as to transfer of powers. **52.—(1)** Any power which may be exercised and any consent which may be given by the owners and ratepayers of a parish or by the majority of them under any of the Acts relating to the relief of the poor or under the School Sites Acts or the Literary and Scientific Institutions Act, 1854, so far as respects the dealing with parish property or the spending of money or raising of a rate may, in the case of a rural parish, be exercised or given by the Parish Meeting of the parish.

33 & 34 Vict. c. 75. **(2)** In a rural parish the power of making an application or passing a resolution given by section twelve of the Elementary Education Act, 1870, and by section forty-one of the Elementary Education Act, 1876, to the electing body mentioned in the former section shall be transferred to the Parish Meeting of the parish, and shall in cases under the latter section be exerciseable by the like majority of the Parish Meeting, and, if a poll is taken, of the parochial electors, as is required by that section in the case of the said electing body, and rule two of the Second Part of the Second Schedule to the former Act with respect to the passing of such resolution shall not apply.

39 & 40 Vict. c. 79. **(3)** The consent of justices shall not be required for the sale of land belonging to a parish which has been used for materials for the repair of highways or for the purchase of land with the proceeds of any such sale.

50 Geo. III. c. 12. **(4)** Where the legal estate in any property is vested in the churchwardens and overseers of any parish by virtue of the Poor Relief Act, 1819, nothing in the Charitable Trusts Acts, 1853 to 1891, shall be deemed to require the consent of such churchwardens and overseers in their capacity as a corporation under that Act, or of the Parish Council as their successors, to a vesting order under those

Acts dealing with the said legal estate. Provided that nothing in A.D. 1894. this section shall affect any rights, powers, or duties of the churchwardens and overseers, or the Parish Council, in cases where they have active powers of management.

(5) All enactments in any Act, whether general or local and personal, relating to any powers, duties or liabilities transferred by this Act to a Parish Council or Parish Meeting from justices or the vestry or overseers or churchwardens and overseers shall, subject to the provisions of this Act and so far as circumstances admit, be construed as if any reference therein to justices or to the vestry, or to the overseers, or to the churchwardens and overseers, referred to the Parish Council or Parish Meeting as the case requires, and the said enactments shall be construed with such modifications as may be necessary for carrying this Act into effect.

53.—(1) Where on the appointed day any of the Adoptive Acts is in force in a part only of a rural parish, the existing authority under the Act, or the Parish Meeting for that part, may transfer the powers, duties, and liabilities of the authority to the Parish Council, subject to any conditions with respect to the execution thereof by means of a committee as to the authority or Parish Meeting may seem fit, and any such conditions may be altered by any such Parish Meeting.

(2) If the area on the appointed day under any authority under any of the Adoptive Acts will not after that day be comprised within one rural parish, the powers and duties of the authority shall be transferred to the Parish Councils of the rural parishes wholly or partly comprised in that area, or, if the area is partly comprised in an urban district, to those Parish Councils and the District Council of the urban district, and shall, until other provision is made in pursuance of this Act, be exercised by a joint committee appointed by those Councils. Where any such rural parish has not a Parish Council the Parish Meeting shall, for the purposes of this provision, be substituted for the Parish Council.

(3) The property, debts, and liabilities of any authority under any of the Adoptive Acts whose powers are transferred in pursuance of this Act shall continue to be the property, debts, and liabilities of the area of that authority, and the proceeds of the property shall be credited, and the debts and liabilities and the expenses incurred in respect of the said powers, duties, and liabilities, shall be charged to the account of the rates or contributions levied in that area, and where that area is situate in more than one parish the sums credited to and paid by each parish shall be apportioned in such manner as to give effect to this enactment.

(4) The County Council on the application of a Parish Council, may, by order, alter the boundaries of any such area if they consider that the alteration can properly be made without any undue alteration of the incidence of liability to rates and contributions or of the right to property belonging to the area, regard being had to any corresponding advantage to persons subject to the liability or entitled to the right.

APPENDIX A.

A.D. 1894.
Effect on
Parish
Council of
constitution
of urban
district.

54.—(1) Where a new borough is created, or any other new urban district is constituted, or the area of an urban district is extended, then—

- (a) As respects any rural parish or part of a rural parish which will be comprised in the borough or urban district, provision shall be made, either by the constitution of a new parish, or by the annexation of the parish or parts thereof to another parish or parishes, or otherwise, for the appointment of overseers and for placing the parish or part in the same position as other parishes in the borough or district, and
- (b) As respects any parish or part which remains rural, provision shall be made for the constitution of a new Parish Council for the same, or for the annexation of the parish or part to some other parish or parishes, or otherwise for the government of the parish or part, and
- (c) Provision shall also, where necessary, be made for the adjustment of any property, debts, and liabilities affected by the said creation, constitution or extension.

45 & 46 Vict.
c. 50.

- (2) The provision aforesaid shall be made—
- (a) Where a new borough is created, by a scheme under section two hundred and thirteen of the Municipal Corporations Act, 1882;

51 & 52 Vict.
c. 41.

- (b) Where any other new urban district is constituted by an order of the County Council under section fifty-seven of Local Government Act, 1888;
- (c) Where the area of an urban district is extended, by an order of the Local Government Board under section fifty-four, or of the County Council under section fifty-seven, as the case may be, of the Local Government Act, 1888.

- (3) Where the area of an urban district is diminished this section shall apply with the necessary modifications.

Power to
change
name
of district
or parish.

55.—(1) Where a parish is divided or united or grouped with another parish by an order in pursuance of this Act, each new parish or group so formed shall bear such name as the order directs.*

(2) Where a parish is divided by this Act, each parish so formed shall bear such name as the County Council direct. [See s. 1⁽³⁾.]

(3) Any District Council may, with the sanction of the County Council, change their name and the name of their district.

(4) Every change of name made in pursuance of this section shall be published in such manner as the authority authorising the change may direct, and shall be notified to the Local Government Board.

(5) Any such change of name shall not affect any rights or obligations of any parish, district, council, authority, or person, or render defective any legal proceedings, and any legal proceedings may be continued or commenced as if there were no change of name.

Committees
of Parish
or District
Councils.

56.—(1) A Parish or District Council may appoint committees, consisting either wholly or partly of members of the Council, for the exercise of any powers which, in the opinion of the Council, can be properly exercised by committees, but a committee shall not

* See ss. 36—39.

hold office beyond the next annual meeting of the Council, and the A.D. 1894. acts of every such committee shall be submitted to the Council for their approval.

Provided that where a committee is appointed by any District Council for any of the purposes of the Public Health Acts or Highway Acts, the Council may authorise the committee to institute any proceeding or do any act which the Council might have instituted or done for that purpose other than the raising of any loan or the making of any rate or contract.

(2) Where a Parish Council have any powers and duties which are to be exercised in a part only of the parish, or in relation to a recreation ground, building, or property held for the benefit of a part of a parish, and the part has a defined boundary, the Parish Council shall, if required by a Parish Meeting held for that part, appoint annually to exercise such powers and duties a committee consisting partly of members of the Council and partly of other persons representing the said part of the parish.

(3) With respect to committees of Parish and District Councils the provisions in the First Schedule to this Act shall have effect.

(4) This section shall not apply to the Council of a borough.

57.—(1) A Parish or District Council may concur with any other Parish or District Council or Councils in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested, and in conferring, with or without conditions or restrictions, on any such committee any powers which the appointing Council might exercise if the purpose related exclusively to their own parish or district.

(2) Provided that a Council shall not delegate to any such committee any power to borrow money or make any rate.

(3) A joint committee appointed under this section shall not hold office beyond the expiration of fourteen days after the next annual meeting of any of the Councils who appointed it.

(4) The costs of a joint committee under this section shall be defrayed by the Councils by whom it is appointed in such proportions as they may agree upon, or as may be determined in case of difference by the County Council.

(5) Where a Parish Council can under this Act be required to appoint a committee consisting partly of members of the Council and partly of other persons, that requirement may also be made in the case of a joint committee, and shall be duly complied with by the Parish Councils concerned at the time of the appointment of such committee. [See s. 56 (2).]

58.—(1) The accounts of the receipts and payments of Parish Audit of and District Councils, and of Parish Meetings for parishes not having Parish Councils, and their committees and officers, shall be made up yearly to the thirty-first day of March, or in the case of accounts which are required to be audited half-yearly, then half-yearly to the thirtieth day of September and the thirty-first day of March in each year, and in such form as the Local Government Board prescribe.

(2) The said accounts shall, except in the case of accounts audited by the auditors of a borough (but inclusive of the accounts

accounts of
District and
Parish
Councils
and inspec-
tion.

A.D. 1894. of a joint committee appointed by a borough council with another Council not being a Borough Council), be audited by a district auditor, and the enactments relating to audit by district auditors of accounts of urban sanitary authorities and their officers, and to all matters incidental thereto and consequential thereon, shall apply accordingly, except that in the case of the accounts of rural District Councils, their committees and officers, the audit shall be half-yearly instead of yearly.

(3) The Local Government Board may, with respect to any audit to which this section applies, make rules modifying the enactments as to publication of notice of the audit and of the abstract of accounts and the report of the auditor.

(4) Every parochial elector of a rural parish may, at all reasonable times, without payment, inspect and take copies of and extracts from all books, accounts, and documents belonging to or under the control of the Parish Council of the parish or Parish Meeting.

(5) Every parochial elector of a parish in a rural district may, at all reasonable times, without payment, inspect and take copies of and extracts from all books, accounts, and documents belonging to or under the control of the District Council of the district.

Supple-
mental pro-
visions as to
District
Councils.
28 & 29 Vict.
c. 55.

59.—(1) Section one hundred and ninety-nine and Schedule I. of the Public Health Act, 1875, so far as that schedule is un-repealed* (which relate to the Meetings of urban authorities, and to the Meetings and proceedings of Local Boards), shall apply in the case of every Urban District Council other than a Borough Council and of every Rural District Council and Board of Guardians, as if such District Council or Board were a Local Board, except that the chairman of the Council or Board may be elected from outside the Councillors or Guardians.

(2) Any Urban District Council other than a Borough Council, and any Rural District Council and Board of Guardians may, if they think fit, appoint a vice-chairman to hold office during the term of office of the chairman, and the vice-chairman shall, in the absence or during the inability of the chairman, have the powers and authority of the chairman. [For term of office of chairman, see p. 67.]

(3) Any rural District Council shall be entitled to use for the purpose of their Meetings and proceedings the Board room and offices of any Board of Guardians for the Union comprising their district at all reasonable hours, and if any question arises as to what hours are reasonable it may be determined by the Local Government Board.

(4) Nothing in this section shall affect any powers of the Local Government Board with respect to the proceedings of Guardians.

(5) If any District Council, other than a Borough Council, become unable to act, whether from failure to elect or otherwise, the County Council of the county in which the district is situate may order elections to be held and may appoint persons to form the District Council until the newly elected members come into office.

(6) Nothing in this Act shall affect any powers of the Secretary

* Part (2) of this Schedule, relating to Committees, is repealed. See Schedule II. of the present Act, page 183.

hold office beyond the next annual meeting of the Council, and the A.D. 1894. acts of every such committee shall be submitted to the Council for their approval.

Provided that where a committee is appointed by any District Council for any of the purposes of the Public Health Acts or Highway Acts, the Council may authorise the committee to institute any proceeding or do any act which the Council might have instituted or done for that purpose other than the raising of any loan or the making of any rate or contract.

(2) Where a Parish Council have any powers and duties which are to be exercised in a part only of the parish, or in relation to a recreation ground, building, or property held for the benefit of a part of a parish, and the part has a defined boundary, the Parish Council shall, if required by a Parish Meeting held for that part, appoint annually to exercise such powers and duties a committee consisting partly of members of the Council and partly of other persons representing the said part of the parish.

(3) With respect to committees of Parish and District Councils the provisions in the First Schedule to this Act shall have effect.

(4) This section shall not apply to the Council of a borough.

57.—(1) A Parish or District Council may concur with any other Parish or District Council or Councils in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested, and in conferring, with or without conditions or restrictions, on any such committee any powers which the appointing Council might exercise if the purpose related exclusively to their own parish or district.

(2) Provided that a Council shall not delegate to any such committee any power to borrow money or make any rate.

(3) A joint committee appointed under this section shall not hold office beyond the expiration of fourteen days after the next annual meeting of any of the Councils who appointed it.

(4) The costs of a joint committee under this section shall be defrayed by the Councils by whom it is appointed in such proportions as they may agree upon, or as may be determined in case of difference by the County Council.

(5) Where a Parish Council can under this Act be required to appoint a committee consisting partly of members of the Council and partly of other persons, that requirement may also be made in the case of a joint committee, and shall be duly complied with by the Parish Councils concerned at the time of the appointment of such committee. [See s. 56 (2).]

58.—(1) The accounts of the receipts and payments of Parish Audit of District and Parish Councils, and of Parish Meetings for parishes not having Parish Councils, and their committees and officers, shall be made up yearly to the thirty-first day of March, or in the case of Councils accounts which are required to be audited half-yearly, then half-yearly to the thirtieth day of September and the thirty-first day of March in each year, and in such form as the Local Government Board prescribe.

(2) The said accounts shall, except in the case of accounts audited by the auditors of a borough (but inclusive of the accounts

A.D. 1894. where no other suitable room is available for such meeting either free of charge or at a reasonable cost.

Board of Guardians. **Permissive transfer to urban District Council of powers of other authorities.** **Provisions as to County Council acquiring powers of District Council.** **62.—(1)** Where there is in any urban district, or part of an urban district, any authority constituted under any of the Adoptive Acts, the council of that district may resolve that the powers, duties, property, debts, and liabilities of that authority shall be transferred to the council as from the date specified in the resolution, and upon that date the same shall be transferred accordingly, and the authority shall cease to exist, and the council shall be the successors of that authority.

(2) After the appointed day any of the Adoptive Acts shall not be adopted for any part of an urban district without the approval of the council of that district.

63.—(1) Where the powers of a District Council are by virtue of a resolution under this Act transferred to a County Council, the following provisions shall have effect :—

- (a) Notice of the resolution of the County Council by virtue of which the transfer is made shall be forthwith sent to the District Council and to the Local Government Board :
 - (b) The expenses incurred by the County Council shall be a debt from the District Council to the County Council, and shall be defrayed as part of the expenses of the District Council in the execution of the Public Health Acts, and the District Council shall have the like power of raising the money as for the defrayment of those expenses :
 - (c) The County Council for the purpose of the powers transferred may on behalf of the District Council borrow subject to the like conditions, in the like manner, and on the security of the like fund or rate, as the District Council might have borrowed for the purpose of those powers :
 - (d) The County Council may charge the said fund or rate with the payment of the principal and interest of the loan, and the loan with the interest thereon shall be paid by the District Council in like manner, and the charge shall have the like effect, as if the loan were lawfully raised and charged on that fund or rate by the District Council :
 - (e) The County Council shall keep separate accounts of all receipts and expenditure in respect of the said powers :
 - (f) The County Council may by order vest in the District Council all or any of the powers, duties, property, debts, and liabilities of the County Council in relation to any of the said powers, and the property, debts, and liabilities so vested shall be deemed to have been acquired or incurred by the District Council for the purpose of those powers.
- (2) Where a rural district is situate in two or more counties a Parish Council complaining under this Act may complain to the County Council of the county in which the parish is situate, and if the subject-matter of the complaint affects any other county the complaint shall be referred to a joint committee of the councils of the counties concerned, and any question arising as to the consti-

of State under the Public Health Supplemental Act for Aldershot, A.D. 1894.
1857, or the position of persons nominated under those powers. 20 & 21 Vict.
c. 22.

Miscellaneous.

60.—(1) The Council of each county may, from time to time, by Supplementary order, fix or alter the number of Guardians or Rural District Councillors to be elected for each parish within their county, and for Guardians. those purposes may exercise powers of adding parishes to each other and dividing parishes into wards, similar to those which by the Acts relating to the relief of the poor are, for the purpose of the election of Guardians, vested in the Local Government Board. [See s. 49.]

(2) The council of each county may for the purpose of regulating the retirement of Guardians or Rural District Councillors, in cases where they retire by thirds, and in order that as nearly as may be one-third of the persons elected as Guardians for the Union, and one-third of the persons elected as Rural District Councillors for the district, shall retire in each year, direct in which year or years of each triennial period the Guardians or District Councillors for each parish, ward, or other area in the Union or rural district shall retire.

(3) Where a poor law Union is situate in more than one county, the power under this section of fixing or altering the number of Guardians or Rural District Councillors, and of regulating the retirement of Guardians and of District Councillors, shall be exercised by a joint committee of the Councils of the counties concerned, but if any of those Councils do not, within two months after request from any other of them, appoint members of such joint committee, the members of the committee actually appointed shall act as the joint committee.

Provided that if any order under this sub-section is, within six weeks after the making thereof, objected to by any of the County Councils concerned, or by any committee of any of those Councils authorised in that behalf, it shall be of no effect until confirmed by the Local Government Board.

(4) Where under any local and personal Act Guardians of a poor law Union are elected for districts, whether called by that name or not, the provisions of this Act with respect to the election of Guardians shall apply as if each of the districts were a parish.

(5) The Board of Guardians of a union elected in pursuance of this Act shall, save as otherwise provided by an order of the Local Government Board, made on the application of those guardians, have the same powers and duties under any local and personal Act as the existing Board of Guardians.

(6) Nothing in this Act shall alter the constitution of the corporation of the guardians of the poor within the city of Oxford, or the election or qualification of the members thereof, except those members who are elected by the ratepayers of parishes.

61.—No Parish Meeting or meeting of a Parish Council, or of a District Council, or of a Board of Guardians shall be held in a Place of meeting of Parish or premises licensed for the sale of intoxicating liquor, except in cases District

A.D. 1894. Government Board: Provided that where any of the authorities interested is a Board of Guardians, any such agreement, so far as it relates to the joint use of any property, shall be subject to the approval of the Local Government Board.

52 & 53 Vict. c. 49. (3) In default of an agreement, and as far as any such agreement does not extend, such adjustment shall be referred to arbitration in accordance with the Arbitration Act, 1889, and the arbitrator shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily, and his award may provide for any matter for which an agreement might have provided.

(4) Any sum required to be paid by any authority for the purpose of adjustment may be paid as part of the general expenses of exercising their duties under this Act, or out of such special fund as the authority, with the approval of the Local Government Board, direct, and if it is a capital sum the payment thereof shall be a purpose for which the authority may borrow under the Acts relating to such authority, on the security of all or any of the funds, rates, and revenues of the authority, and any such sum may be borrowed without the consent of any authority, so that it be repaid within such period as the Local Government Board may sanction.

(5) Any capital sum paid to any authority for the purpose of any adjustment under this Act shall be treated as capital, and applied, with the sanction of the Local Government Board, either in the repayment of debt or for any other purpose for which capital money may be applied.

Power to deal with matters arising out of alteration of boundaries. **69.**—Where an alteration of any area is made by this Act, an order for any of the matters mentioned in section fifty-nine of the Local Government Act, 1888, may, if it appears to the County Council desirable, be made by the County Council, or, in the case of an area situate in more than one county, by a joint committee of County Councils; but nothing in this section shall empower a County Council or joint committee to alter the boundaries of a county.

Summary proceeding for determination of questions as to transfer of powers. **70.**—(1) If any question arises, or is about to arise, as to whether any power, duty, or liability is or is not transferred by or under this Act to any Parish Council, Parish Meeting, or District Council, or any property is or is not vested in the Parish Council, or in the chairman and overseers of a rural parish, or in a District Council, that question, without prejudice to any other mode of trying it, may, on the application of the Council, Meeting, or other local authority concerned, be submitted for decision to the High Court in such summary manner as, subject to any rules of court, may be directed by the Court; and the Court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question.

(2) If any question arises or is about to arise under this Act as to the appointment of the trustees or beneficiaries of any charity, or as to the persons in whom the property of any charity is vested, such

question shall, at the request of any trustee, beneficiary, or other person interested, be determined in the first instance by the Charity Commissioners, subject to an appeal to the High Court brought within three months after such determination. Provided that an appeal to the High Court of Justice from any determination of the Charity Commissioners under this section may be presented only under the same conditions as are prescribed in the case of appeals to the High Court from orders made by the Charity Commissioners under the Charitable Trusts Acts, 1853 to 1891.

(3) An appeal shall, with the leave of the High Court or Court of Appeal, but not otherwise, lie to the Court of Appeal against any decision under this Section.

71.—A copy of every order made by a County Council or joint committee in pursuance of this Act shall be sent to the Local Government Board, and, if it alters any local area or name, also to the Board of Agriculture.

72.—(1) The expenses incurred by the Local Government Board in respect of inquiries or other proceedings under this Act shall be paid by such authorities and persons and out of such funds as to local inquiries as the Board may by order direct, and the Board may certify the amount of the expenses so incurred, and any sum so certified and directed by the Board to be paid by any authority or person shall be a debt from that authority or person to the Crown.

(2) Such expenses may include the salary of any inspector or officer of the Board engaged in the inquiry or proceeding, not exceeding three guineas a day.

(3) The Local Government Board and their inspectors shall have for the purposes of an inquiry in pursuance of this Act the same powers as they respectively have for the purpose of an inquiry under the Public Health Act, 1875.

(4) Where a County Council hold a local inquiry under this Act or under the Local Government Act, 1888, on the application of the council of a parish or district, or of any inhabitants of a parish or district, the expenses incurred by the County Council in relation to the inquiry (including the expenses of any committee or person authorised by the County Council) shall be paid by the council of that parish or district, or, in the case of a parish which has not a Parish Council, by the Parish Meeting; but, save as aforesaid, the expenses of the County Council incurred in the case of inquiries under this Act shall be paid out of the county fund.

73.—When the day on which any thing is required by or in pursuance of this Act to be done is Sunday, Christmas Day, or Good Friday, or a bank holiday, that thing shall be done on the next following day, not being one of the days above mentioned.

74.—This Act shall be deemed to be an Act touching Local Government within meaning of section forty-nine of the Local Government Act, 1888, and a provisional order for the Scilly Islands may, on the application of the council of the Isles of Scilly, and after such public notice as appears to the Local Government Board sufficient for giving information to all persons interested, be made accordingly.

A.D. 1894.
Effect on
Parish
Council of
constitution of
urban
district.

45 & 46 Vict.
c. 50.

51 & 52 Vict.
c. 41.

Power to
change
name
of district
or parish.

Committees
of Parish
or District
Councils.

54.—(1) Where a new borough is created, or any other new urban district is constituted, or the area of an urban district is extended, then—

- (a) As respects any rural parish or part of a rural parish which will be comprised in the borough or urban district, provision shall be made, either by the constitution of a new parish, or by the annexation of the parish or parts thereof to another parish or parishes, or otherwise, for the appointment of overseers and for placing the parish or part in the same position as other parishes in the borough or district, and
 - (b) As respects any parish or part which remains rural, provision shall be made for the constitution of a new Parish Council for the same, or for the annexation of the parish or part to some other parish or parishes, or otherwise for the government of the parish or part, and
 - (c) Provision shall also, where necessary, be made for the adjustment of any property, debts, and liabilities affected by the said creation, constitution or extension.
- (2) The provision aforesaid shall be made—
- (a) Where a new borough is created, by a scheme under section two hundred and thirteen of the Municipal Corporations Act, 1882 ;
 - (b) Where any other new urban district is constituted by an order of the County Council under section fifty-seven of Local Government Act, 1888 ;
 - (c) Where the area of an urban district is extended, by an order of the Local Government Board under section fifty-four, or of the County Council under section fifty-seven, as the case may be, of the Local Government Act, 1888.
- (3) Where the area of an urban district is diminished this section shall apply with the necessary modifications.

55.—(1) Where a parish is divided or united or grouped with another parish by an order in pursuance of this Act, each new parish or group so formed shall bear such name as the order directs.*

(2) Where a parish is divided by this Act, each parish so formed shall bear such name as the County Council direct. [See s. 1⁽³⁾.]

(3) Any District Council may, with the sanction of the County Council, change their name and the name of their district.

(4) Every change of name made in pursuance of this section shall be published in such manner as the authority authorising the change may direct, and shall be notified to the Local Government Board.

(5) Any such change of name shall not affect any rights or obligations of any parish, district, council, authority, or person, or render defective any legal proceedings, and any legal proceedings may be continued or commenced as if there were no change of name.

56.—(1) A Parish or District Council may appoint committees, consisting either wholly or partly of members of the Council, for the exercise of any powers which, in the opinion of the Council, can be properly exercised by committees, but a committee shall not

* See ss. 36—39.

more parishes, or of not more than five neighbouring parishes.

The expression "vestry" in relation to a parish means the inhabitants of the parish whether in vestry assembled or not, and includes any select vestry either by statute or at common law.

The expression "rateable value" means the rateable value stated in the valuation list in force, or, if there is no such list, in the last poor rate.

The expression "county" includes a county borough, and the expression "County Council" includes the council of a county borough.

The expression "elementary school" means an elementary school within the meaning of the Elementary Education Act, 1870.*

The expression "local and personal Act" includes a Provisional Order confirmed by an Act and the Act confirming the Order.

The expression "prescribed" means prescribed by order of the Local Government Board.

76.—This Act shall not extend to Scotland or Ireland.

Extent of
Act.

77.—This Act may be cited as the Local Government Act, 1894. Short title.

PART V.

TRANSITORY PROVISIONS.

78.—(1) The overseers of each rural parish shall convene the first Parish Meeting of the parish at the time fixed by or under tions to this Act for the first election of Parish Councillors, whether there is or is not a Parish Council for the parish, and for this purpose the overseers of a parish shall be deemed to be the overseers of every part of the parish.

(2) The chairman of the Parish Meeting at which the first Parish Councillors are nominated, or in his default the clerk of the guardians, shall convene the first meeting of the Parish Council.

(3) The first Parish Councillors and the first chairman of a Parish Meeting elected under this Act shall retire on the second ordinary day of coming into office of councillors which happens after their election. [See s. 3⁽⁴⁾.]

79.—(1) The existing boards of guardians and urban and rural sanitary authorities shall take the necessary measures for the conduct of the first elections of guardians and District Councillors respectively under this Act, including any appointment of returning officers required by rules under this Act. [See s. 48⁽²⁾.]

(2) Where a parish is divided by this Act into two or more new parishes, then, subject to any order made by the County Council, there shall be one guardian, and if it is in a rural district, one District Councillor for each of such new parishes. [See s. 1⁽³⁾.]

(3) Of the guardians and urban and rural District Councillors first elected under this Act, save as hereinafter mentioned, one

* See note on page 125.

s.D. 1894. of a joint committee appointed by a borough council with another Council not being a Borough Council), be audited by a district auditor, and the enactments relating to audit by district auditors of accounts of urban sanitary authorities and their officers, and to all matters incidental thereto and consequential thereon, shall apply accordingly, except that in the case of the accounts of rural District Councils, their committees and officers, the audit shall be half-yearly instead of yearly.

(3) The Local Government Board may, with respect to any audit to which this section applies, make rules modifying the enactments as to publication of notice of the audit and of the abstract of accounts and the report of the auditor.

(4) Every parochial elector of a rural parish may, at all reasonable times, without payment, inspect and take copies of and extracts from all books, accounts, and documents belonging to or under the control of the Parish Council of the parish or Parish Meeting.

(5) Every parochial elector of a parish in a rural district may, at all reasonable times, without payment, inspect and take copies of and extracts from all books, accounts, and documents belonging to or under the control of the District Council of the district.

Supplemental provisions as to District Councils. **28 & 39 Vict. c. 55.** **59.**—(1) Section one hundred and ninety-nine and Schedule I. of the Public Health Act, 1875, so far as that schedule is repealed* (which relate to the Meetings of urban authorities, and to the Meetings and proceedings of Local Boards), shall apply in the case of every Urban District Council other than a Borough Council and of every Rural District Council and Board of Guardians, as if such District Council or Board were a Local Board, except that the chairman of the Council or Board may be elected from outside the Councillors or Guardians.

(2) Any Urban District Council other than a Borough Council, and any Rural District Council and Board of Guardians may, if they think fit, appoint a vice-chairman to hold office during the term of office of the chairman, and the vice-chairman shall, in the absence or during the inability of the chairman, have the powers and authority of the chairman. [For term of office of chairman, see p. 67.]

(3) Any rural District Council shall be entitled to use for the purpose of their Meetings and proceedings the Board room and offices of any Board of Guardians for the Union comprising their district at all reasonable hours, and if any question arises as to what hours are reasonable it may be determined by the Local Government Board.

(4) Nothing in this section shall affect any powers of the Local Government Board with respect to the proceedings of Guardians.

(5) If any District Council, other than a Borough Council, become unable to act, whether from failure to elect or otherwise, the County Council of the county in which the district is situate may order elections to be held and may appoint persons to form the District Council until the newly elected members come into office.

(6) Nothing in this Act shall affect any powers of the Secretary

* Part (2) of this Schedule, relating to Committees, is repealed. See Schedule II. of the present Act, page 183.

of State under the Public Health Supplemental Act for Aldershot, A.D. 1894.
1857, or the position of persons nominated under those powers. 20 & 21 Vict.
c. 22.

Miscellaneous.

60.—(1) The Council of each county may, from time to time, by ^{Supple-} _{visions as to} ^{mental pro-} _{Guardians,} order, fix or alter the number of Guardians or Rural District Coun- cillors to be elected for each parish within their county, and for Guardians, those purposes may exercise powers of adding parishes to each other and dividing parishes into wards, similar to those which by the Acts relating to the relief of the poor are, for the purpose of the election of Guardians, vested in the Local Government Board. [See s. 49.]

(2) The council of each county may for the purpose of regulating the retirement of Guardians or Rural District Councillors, in cases where they retire by thirds, and in order that as nearly as may be one-third of the persons elected as Guardians for the Union, and one-third of the persons elected as Rural District Councillors for the district, shall retire in each year, direct in which year or years of each triennial period the Guardians or District Councillors for each parish, ward, or other area in the Union or rural district shall retire.

(3) Where a poor law Union is situate in more than one county, the power under this section of fixing or altering the number of Guardians or Rural District Councillors, and of regulating the retirement of Guardians and of District Councillors, shall be exercised by a joint committee of the Councils of the counties concerned, but if any of those Councils do not, within two months after request from any other of them, appoint members of such joint committee, the members of the committee actually appointed shall act as the joint committee.

Provided that if any order under this sub-section is, within six weeks after the making thereof, objected to by any of the County Councils concerned, or by any committee of any of those Councils authorised in that behalf, it shall be of no effect until confirmed by the Local Government Board.

(4) Where under any local and personal Act Guardians of a poor law Union are elected for districts, whether called by that name or not, the provisions of this Act with respect to the election of Guardians shall apply as if each of the districts were a parish.

(5) The Board of Guardians of a union elected in pursuance of this Act shall, save as otherwise provided by an order of the Local Government Board, made on the application of those guardians, have the same powers and duties under any local and personal Act as the existing Board of Guardians.

(6) Nothing in this Act shall alter the constitution of the corporation of the guardians of the poor within the city of Oxford, or the election or qualification of the members thereof, except those members who are elected by the ratepayers of parishes.

61.—No Parish Meeting or meeting of a Parish Council, or of a ^{Place of} _{meeting of} District Council, or of a Board of Guardians shall be held in ^{Parish or} _{District} premises licensed for the sale of intoxicating liquor, except in cases

A.D. 1894. above in this section mentioned, shall hold his office by the same tenure and upon the same terms and conditions as heretofore, and while performing the same duties shall receive not less salary or remuneration than heretofore.

(5) Where a parish or rural sanitary district is divided by this Act, any officer for the parish or district so divided shall hold his office as such officer for each parish or district formed by the division, and his salary shall be formed by the respective parishes or districts in proportion to their rateable value at the commencement of the local financial year next after the passing of this Act.

(6) So much of any enactment as authorises the appointment of assistant overseers by a Board of Guardians shall be repealed as from the appointed day.

51 & 52 Vict. c. 41. (7) Section one hundred and twenty of the Local Government Act, 1888,* which relates to compensation to existing officers, shall apply in the case of existing officers affected by this Act, whether officers above in this section mentioned or not, as if references in that section to the County Council were references to the Parish Council, or the District Council, or Board of Guardians or other authority whose officer the person affected is when the claim for compensation arises as the case may require. Provided that all expenses incurred by a District Council in pursuance of this section shall be paid as general expenses of the council, and any expenses incurred by a Board of Guardians in pursuance of this section shall be paid out of their common fund, and any expenses incurred by any other authority in pursuance of this section shall be paid out of the fund applicable to payment of the salary of the offices affected.

Provision as to highways. **82.**—(1) Where before the appointed day the highway expenses were charged on a particular parish or other area and not on a district, the District Council may determine that the highways in that parish or area shall be placed in proper repair before the expenses of repairing the same become a charge upon the district, and, failing such highways being placed in proper repair to the satisfaction of the District Council, the District Council may themselves place the highways in proper repair, and the expense incurred by them of placing those highways in proper repair shall be a separate charge on the parish or area, and any question which arises as to whether any such expenses are properly a separate charge on the parish or area shall be determined by the County Council.

(2) Where in pursuance of an order of a County Council a Parish continues to maintain its own highways after the appointed day, the highway expenses shall not be deemed to be expenses of the Parish Council or of the Parish Meeting within the meaning of this Act. [See s. 25(4).]

Duty of County Council to bring Act into operation. **83.**—It shall be the duty of every County Council to exercise all such of their powers as may be requisite for bringing this Act into full operation within their county as soon as may be after the passing thereof, and a County Council may delegate their powers under this Act to a committee.

Appointed day. **84.**—(1) The first elections under this Act shall be held on the eighth day of November next after the passing of this Act, or such

* See Appendix D, page 191.

later date or dates in the year one thousand eight hundred and A.D. 1894, ninety-four as the Local Government Board may fix.

(2) The persons elected shall come into office on the second Thursday next after their election, or such other day not more than seven days earlier or later as may be fixed by or in pursuance of the rules made under this Act in relation to their election.

(3) Every division into wards or alteration of the boundaries of any parish or union or district which is to affect the first election shall, if it affects the parishes or parts for which the registers of parochial electors will be made, be made so far as practicable before the first day of July next after the passing of this Act, and any such division or alteration which after the appointed day may be made on application by the Parish Council or any parochial electors of any parish, may be made before the appointed day on application by the vestry or a like number of the ratepayers of the parish.

Provided that—

(a) If any County Council having any such division or alteration under consideration so direct, the list of voters shall be framed in parts corresponding with such division or alteration so that the parts may serve either for the unaltered parish, union, or district, or for the same when divided or altered; and

(b) If the County Council making such division or alteration on or after the said day and on or before the last day of August one thousand eight hundred and ninety-four so direct, the clerk of the County Council shall make such adjustment of the registers of parochial electors as the division or alteration may render necessary for enabling every parochial elector to vote at the first election in the ward, union, or district in which his qualification is situate; and in that case the said division or alteration shall be observed in the case of that election.

(4) Subject as in this Act mentioned, "the appointed day" shall,

(a) For the purpose of elections and of Parish Meetings in parishes not having a Parish Council, be the day or respective days fixed for the first elections under this Act, or such prior day as may be necessary for the purpose of giving notices or doing other acts preliminary to such elections; and

(b) For the purpose of the powers, duties, and liabilities of Councils or other bodies elected under this Act, or other matters not specifically mentioned, be the day on which the members of such Councils or other bodies first elected under this Act come into office; and

(c) For the purpose of powers, duties, and liabilities transferred to a Council of a borough by this Act, be the first day of November next after the passing of this Act;

and the lists and registers of parochial electors shall be made out in such parts as may be necessary for the purpose of the first elections under this Act.

APPENDIX A.

A.D. 1894.

Provided that where an order of a County Council postpones the operation of the section with respect to highways as respects their county or any part thereof, the day on which such postponement ceases shall, as respects such county or part, be the appointed day, and the order of postponement shall make such provision as may be necessary for holding elections of highway boards during the interval before the appointed day. [See s. 25(1).]

Current
rates, etc.

85.—(1) Every rate and precept for contributions made before the appointed day may be assessed, levied, and collected, and proceedings for the enforcement thereof taken, in like manner as nearly as may be as if this Act had not passed.

(2) The accounts of all receipts and expenditure before the appointed day shall be audited, and disallowances, surcharges and penalties recovered and enforced, and other consequential proceedings had, in like manner as nearly as may be as if this Act had not passed, but as soon as practicable after the appointed day; and every authority, committee, or officer whose duty it is to make up any accounts, or to account for any portion of the receipts or expenditure in any account, shall, until the audit is completed, be deemed for the purpose of such audit to continue in office, and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as before the appointed day.

(3) All proceedings, legal and other, commenced before the appointed day, may be carried on in like manner, as nearly as may be, as if this Act had not passed, and any such legal proceeding may be amended in such manner as may appear necessary or proper in order to bring it into conformity with the provisions of this Act.

(4) Every valuation list made for a parish divided by this Act shall continue in force until a new valuation list is made.

(5) The change of name of an urban sanitary authority shall not affect their identity as a corporate body or derogate from their powers, and any enactment in any Act, whether public general or local and personal, referring to the members of such authority shall, unless inconsistent with this Act, continue to refer to the members of such authority under its new name.

Saving for
existing
securities
and dis-
charge of
debts.

86.—(1) Nothing in this Act shall prejudicially affect any securities granted before the passing of this Act on the credit of any rate or property transferred to a Council or Parish Meeting by this Act; and all such securities, as well as all unsecured debts, liabilities, and obligations incurred by any authority in the exercise of any powers or in relation to any property transferred from them to a Council or Parish Meeting shall be discharged, paid, and satisfied by that Council or Parish Meeting, and where for that purpose it is necessary to continue the levy of any rate or the exercise of any power which would have existed but for this Act, that rate may continue to be levied and that power to be exercised either by the authority who otherwise would have levied or exercised the same, or by the transferee as the case may require.

(2) It shall be the duty of every authority whose powers, duties, and liabilities are transferred by this Act to liquidate so far as prac-

ticable before the appointed day, all current debts and liabilities A.D. 1894, incurred by such authority.

87.—All such bye-laws, orders, and regulations of any authority whose powers and duties are transferred by this Act to any Council, existing as are in force at the time of the transfer, shall, so far as they relate to or are in pursuance of the powers and duties transferred, continue in force as if made by that Council, and may be revoked or altered accordingly.

88.—(1) If at the time when any powers, duties, liabilities, debts, or property are by this Act transferred to a Council or Parish Meeting, any action or proceeding, or any cause of action or proceeding is pending or existing by or against any authority in relation thereto, the same shall not be in anywise prejudicially affected by the passing of this Act, but may be continued, prosecuted, and enforced by or against the Council or Parish Meeting as successors of the said authority in like manner as if this Act had not been passed.

(2) All contracts, deeds, bonds, agreements, and other instruments subsisting at the time of the transfer in this section mentioned, and affecting any of such powers, duties, liabilities, debts, or property, shall be of as full force and effect against or in favour of the Council or Parish Meeting, and may be enforced as fully and effectually as if, instead of the authority, the Council or Parish Meeting had been a party thereto.

89.—The Acts specified in the Second Schedule to this Act are Repeal, hereby repealed as from the appointed day to the extent in the third column of that schedule mentioned, and so much of any Act, whether public general or local and personal, as is inconsistent with this Act is also hereby repealed. Provided that where any wards of an Urban District have been created, or any number of members of an urban sanitary authority fixed, by or in pursuance of any local and personal Act, such wards and number of members shall continue and be alterable in like manner as if they had been fixed by an order of the County Council under this or any other Act.

S C H E D U L E S.

FIRST SCHEDULE.

RULES AS TO PARISH MEETINGS, PARISH COUNCILS, AND COMMITTEES.

PART I.

RULES APPLICABLE TO PARISH MEETINGS

Section 2.

(1) The annual assembly of the Parish Meeting shall be held on the twenty-fifth day of March in each year, or within seven days before or after that day.

(2) Not less than seven clear days before any Parish Meeting,

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Section 2.

public notice thereof shall be given specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the chairman of the Parish Council or other conveners of the meeting.

(3) If the business relates to the establishment or dissolution of a Parish Council, or the grouping of a parish, or the adoption of any of the adoptive Acts, not less than fourteen days notice shall be given.

(4) A Parish Meeting may discuss parish affairs and pass resolutions thereon.

(5) Every question to be decided by a Parish Meeting shall, in the first instance, be decided by the majority of those present and voting on the question, and the chairman shall announce his decision as to the result, and that decision shall be final, unless a poll is demanded.

(6) A poll may be demanded at any time before the conclusion of a Parish Meeting.

(7) A poll may be demanded by any one parochial elector in the case of a resolution respecting any of the following matters, namely :—

- (a) Any application, representation, or complaint to a County Council or District Council ;
- (b) The appointment of a chairman for the year or of a committee, or the delegation of any powers or duties to a committee, or the approval of the acts of a committee ;
- (c) The appointment of an overseer, the appointment or revocation of the appointment or dismissal of an assistant overseer or a parish officer ;
- (d) The appointment of trustees or beneficiaries of a charity ;
- (e) The adoption of any of the adoptive Acts ;
- (f) The formation or dissolution of a School Board ;
- (g) The consent or refusal of consent to any act, matter, or thing which cannot by law be done without that consent ;
- (h) The incurring of any expense or liability ;
- (i) The place and time for the assembly of the Parish Meeting ;
- (k) Any other prescribed matter ;

but, save as aforesaid, a poll shall not be taken unless either the chairman of the meeting assents, or the poll is demanded by parochial electors present at the meeting, not being less than five in number or one-third of those present, whichever number is least.

(8) In case of an equal division of votes at a Parish Meeting the chairman shall have a second or casting vote.

(9) Where a Parish Meeting is held for the election of parish councillors, opportunity shall be given at the meeting for putting questions to such of the candidates as are present, and receiving explanations from them, and any candidate shall be entitled to attend the Meeting and speak thereat, but, unless he is a parochial elector, not to vote.

(10) If the chairman of the Parish Meeting is absent from or unwilling or unable to take the chair at any assembly of the Parish

Meeting, the meeting may appoint a person to take the chair, and A.D. 1894.
that person shall have, for the purpose of that meeting, the powers Section 2.
and authority of the chairman.

(11) Any notice required to be given to or served on a Parish
Meeting may be given to or served on the chairman of the Parish
Meeting.

PART II.

RULES APPLICABLE TO PARISH COUNCILS.

Section 3.

(1) Every parish councillor shall, at the first meeting after his election, or if the council at the first meeting so permit, then at a later meeting fixed by the council, sign, in the presence of some member of the council, a declaration that he accepts the office, and if he does not sign such a declaration his office shall be void.

(2) If any casual vacancy arises in the council, the council shall forthwith be convened for filling the vacancy.

(3) The first business at the annual meeting shall be to elect a chairman and to appoint the overseers.

(4) The chairman may at any time convene a meeting of the Parish Council. If the chairman refuses to convene a meeting of the council after a requisition for that purpose signed by two members of the council has been presented to him, any two members of the council may forthwith, on that refusal, convene a meeting. If the chairman (without so refusing) does not within seven days after such presentation, convene a meeting, any two members of the council may, on the expiration of those seven days, convene a meeting.

(5) Three clear days at least before any meeting of a Parish Council notice thereof, specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by or on behalf of the chairman of the Parish Council or persons convening the meeting, shall be given to every member of the Parish Council, and in case of the Annual Meeting notice specifying the like particulars shall be given to every member of the Parish Council immediately after his election.

(6) Any notice required by law to be given to the chairman or any other member of the Parish Council may be left at or sent by post to the usual place of abode of such chairman or member.

(7) No business shall be transacted at any meeting of a Parish Council unless at least one-third of the full number of members are present thereat, subject to this qualification, that in no case shall the quorum be less than three.

(8) The names of the members present at any meeting of the Parish Council, as well as of those voting on each question on which a division is taken, shall be recorded, so as to show whether each vote given was for or against the question.

(9) Every question at a meeting of a Parish Council shall be decided by a majority of votes of the members present and voting on that question.

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A.D. 1894.
Section 3.

(10) In case of an equal division of votes the chairman of the meeting shall have a second or casting vote.

(11) The Parish Council may, if they think fit, appoint one of their number to be vice-chairman, and the vice chairman shall, in the absence or during the inability of the chairman, have the powers and authority of the chairman.

(12) The proceedings of a Parish Council shall not be invalidated by any vacancy among their members, or by any defect in the election or qualification of any members thereof.

(13) A Parish Council shall hold not less than four meetings in each year, of which one shall be the Annual Meeting and every such meeting shall be open to the public unless the council otherwise direct.

(14) Every cheque or other order for payment of money by a Parish Council shall be signed by two members of the council.

(15) Any notice required to be given to or served on a Parish Council may be given to or served on the clerk to the Parish Council.

(16) The Parish Council may appear before any court or in any legal proceeding by their clerk or by any officer or member authorized generally or in respect of any special proceeding by resolution of the council, and their clerk or any member or officer shall, if so authorized, be at liberty to institute and carry on any proceeding which the Parish Council are authorized to institute and carry on.

PART III.

Section 2,
3.

GENERAL.

(1) Minutes of the proceedings of every Parish Council and Parish Meeting shall be kept in a book provided for that purpose.

(2) A minute of proceedings at a meeting of a Parish Council, or of a committee of a Parish or District Council, or at a Parish Meeting, signed at the same or the next ensuing meeting by a person describing himself as or appearing to be chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(3) Until the contrary is proved, every meeting in respect of the proceedings whereof a minute has been so made shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted, and to have had power to deal with the matters referred to in the minutes.

(4) Any instrument purporting to be executed under the hands or under the hands and seals of the chairman and of two other members of a Parish Council or of a Parish Meeting shall, until the contrary is proved, be deemed to have been duly so executed.

(5) Subject to the provisions of this Act, a Parish Council may

make, vary, and revoke standing orders for the regulation of their proceedings and business, and of the proceedings and business at Parish Meetings for a Rural Parish having a Parish Council.

(6) Where there is no council for a Rural Parish, the Parish Meeting may, subject to the provisions of this Act, regulate their own proceedings and business.

PART IV.

PROCEEDINGS OF COMMITTEES OF PARISH OR DISTRICT COUNCILS. Section 56.

(1) The quorum, proceedings, and place of meeting of a committee, whether within or without the parish or district, and the area (if any) within which the committee are to exercise their authority, shall be such as may be determined by regulations of the council or councils appointing the committee.

(2) Subject to such regulations, the quorum, proceedings, and place of meeting, whether within or without the parish or district, shall be such as the committee direct, and the chairman at any meeting of the committee shall have a second or casting vote.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Section 89.

Session and Chapter.	Short Title.	Extent of Repeal
54 Geo. 3. c.91.	An Act to amend so much of an Act passed in the forty-third year of Her late Majesty Queen Elizabeth, as concerns the time for appointing overseers of the poor.	The whole Act, so far as it relates to rural parishes.
55 Geo. 3. c.69.	The Vestries Act, 1818.	Sections one, two, three, and four, so far as they relate to parish meetings and parish councils under this Act.
59 Geo. 3. c.85.	The Vestries Act, 1819.	The whole Act, so far as it relates to parish meetings under this Act.
1 & 2 Will. 4. c. 60.	The Vestries Act, 1831.	The whole Act, so far as it relates to parish meetings under this Act, except section thirty-nine.

APPENDIX A.

A.D. 1894.	Session and Chapter.	Short Title.	Extent of Repeal.
	4 & 5 Will. 4. c. 76.	The Poor Law Amendment Act, 1834.	In section thirty-eight, the words "and "the said guardians shall be elected "by the ratepayers and by such "owners of property in the parishes "forming such union as shall in "manner herein-after mentioned "require to have their names entered "as entitled to vote as owners in the "books of such parishes respec- "tively"; and from "and also fix a "qualification" to "for the ensuing "year shall be chosen"; and from "and every justice of the peace" to "as such elected guardians"; and from "Provided also" to the end of the section.
			Section thirty-nine, from "and every "justice" to the end of the section.
			In section forty, the words "In all "cases of the election of guardians "under this Act or."
			Section forty-one.
	5 & 6 Will. 4. c. 50.	The Highway Act, 1835.	Section forty-eight from "Provided "always" to the end of the section, so far as the words repealed relate to the office of parish or district coun- cillor or guardian.
	7 Will. 4. & 1 Vict. c. 45.	The Parish Notices Act, 1837.	In section forty-eight, the words "with "the consent in writing of the jus- "tices of the peace at a special "sessions for the highways" and the words "at and for such price "as the said justices may deem fair "and reasonable."
	5 & 6 Vict. c. 57.	The Poor Law Amendment Act, 1842.	Section three, so far as it relates to notices by parish councils and notices of parish meetings under this Act.
	7 & 8 Vict. c. 101.	The Poor Law Amendment Act, 1844.	Section eight, section eleven, from "and in every case," to the end of the section, and section fifteen.
	13 & 14 Vict. c. 57.	The Vestries Act, 1850.	Sections seventeen, twenty, and twenty- four, and section sixty-one from "and wherever any such collector" to "provisions of this Act."
	14 & 15 Vict. c. 105	The Poor Law Amendment Act, 1851.	Sections six, seven, eight, and nine, so far as they relate to parish meetings under this Act.
	16 & 17 Vict. c. 65.	The Vestries Act, 1853.	Section two and section three.
			The whole Act, so far as it relates to parish meetings under this Act.

Session and Chapter.	Short Title.	Extent of Repeal.	A.D. 1894.
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.	Section six. Sections thirteen to twenty-seven. In section thirty the words "or cus- " tom."	
		Section fifty-four.	
		In section two hundred and thirty-five the words "under this Act," where they secondly occur.	
19 & 20 Vict. c. 112.	The Metropolis Management Amendment Act, 1856.	Sections six, seven, and eight.	
23 & 24 Vict. c. 30.	The Public Improvements Act, 1860.	In section four the words "in value."	
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.	Section thirty-six; and section forty from "by rating" to "of such " parish."	
25 & 26 Vict. c. 103.	The Union Assessment Act, 1862.	In section two, the words "consisting "partly of ex officio and partly of "elected guardians," and from "Provided always" to the end of the section. In section five, the words "ex officio "or elected," in both places where they occur, and the words, "as the "case may be."	
30 & 31 Vict. c. 6.	The Metropolitan Poor Act, 1867.	Section seventy-nine.	
30 & 31 Vict. c. 106.	The Poor Law Amendment Act, 1867.	Sections four, five, six, and nine, section ten so far as it relates to elections of guardians, and section twelve.	
31 & 32 Vict. c. 122.	The Poor Law Amendment Act, 1868.	Section four, from "and the powers" to the end of the section.	
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	Section eight from "and the number" to the end of the section. In section nine, from "Provided that (1) An ex "officio guardian" to "situated in an "urban district" (being the provi- sions); and the words "from owners "or occupiers of property situated in "the rural district of a value suffi- "cient to qualify them as elective "guardians for a union," and from "Subject to the provisions of this "Act" to the end of the section.	
		Section two hundred, except so far as it applies to boroughs; sections two hundred and one and two hundred and four, section two hundred and forty-eight, except so far as it relates to overseers, and section three hun- dred and twelve.	
		So much of Schedule I. as relates to committees, and Schedule II.	

A.D. 1894.	Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.		Section six, from "The meeting of "inhabitants" to the end of the section, so far as it relates to rural parishes. Section eight to "no "alteration," except as to cases where a parish is dealt with by order of the Local Government Board.
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.		In section seven the words "so how- "ever that in the case of a committee "appointed by guardians one third "at least shall consist of ex officio "guardians, if there are any and "sufficient ex officio guardians."
47 & 48 Vict. c. 70.	The Municipal Elec- tions (Corrupt and Illegal Practices) Act, 1884.		Section thirty-six, from "(h). The "Local Government Board" to "validity of any vote."
48 & 49 Vict. c. 53.	The Public Health (Members and Officers) Act, 1885.		Sections three and four.
55 & 56 Vict. c. 53.	The Public Libraries Act, 1892.		Sub-section three of section one. The First Schedule so far as it applies to rural parishes.

APPENDIX B.

THE ADOPTIVE ACTS.

LIGHTING AND WATCHING ACT, 1833. (a)

The object of this Act is to provide, first, for the proper protection of the inhabitants and property in any parish in which it has been adopted ; (b) secondly, for the lighting of the streets with oil, gas, or otherwise ; and, thirdly, for the supply and keeping up of fire engines.

A resolution to adopt the Act must be carried by a majority of two-thirds.

If the Act is adopted, the Parish Meeting have at their first meeting—and so on from time to time in each succeeding year—a

(a) The Act was formerly executed by Commissioners appointed by the rate-payers (from three to twelve in number).

(b) As the Act itself provides that one part of it may be adopted without the other, it is unlikely that the part relating to watching will be adopted in future, since the establishment of county police in every county.

right to fix the amount of money which may be raised for the purposes of the Act. A poll may be demanded not only to decide whether the Act ought to be adopted or not, but also as to the amount of money to be raised in the succeeding year.

Notice must be given of the fact that the Act has been adopted, and also of the sum to be raised for the purpose of carrying it out.

If the proposal to adopt the Act is rejected, it cannot be renewed for at least a year.

The Act may be adopted by a part only of a parish, and if desirable it may be abandoned at the expiration of three years.

The expenses incurred are payable out of a rate levied by the overseers in the same way as the poor rate, but owners and occupiers of houses and property other than land will have to contribute three times more than owners and occupiers of land. Land and houses must in every case be rated separately.

BURIAL ACTS, 1852—1885.

The object of these Acts is to enable parishes in cases where the existing place of burial is insufficient or dangerous to health, to provide a new burial ground, and to make arrangements for its management.

If the meeting resolve that these Acts shall be adopted, a copy of the resolution signed by their chairman must be sent to the Home Secretary.

Subject to such rules and regulations as may be made from time to time by the Home Secretary, the management of the burial ground which used to be vested in a Burial Board (*c.*) will in future cases be vested in the Parish Council. [s. 7⁽⁷⁾.]

The burial ground may be within or without the parish, but no land can be appropriated which is within one hundred yards of any dwelling-house without the written consent of the owner, lessee, and occupier of the house.

The land, when acquired, must be divided into consecrated and unconsecrated ground, and a chapel may be built for the performance of the burial service according to the rites of the Church of England, but in such case a chapel must also be built for the use of persons who are not members of the Church of England, unless the Home Secretary is—after considering a representation of two-thirds of the meeting to that effect—of opinion that the building of such chapel is undesirable and unnecessary.

Subject to the approval of the Home Secretary, the fees and payments for interment will be fixed by the Parish Council as the Burial Authority.

A table of the fees and payments must be printed and fixed up in some conspicuous part of the burial ground.

The Parish Council may also provide places for the reception of bodies until interment.

A register must be kept of all burials within the burial ground

(*c.*) The Burial Board consisted of three to nine ratepayers elected by the vestry.

15, 16 Vict.
c. 85.

16, 17 Vict.
c. 134.

18, 19 Vict.
c. 128.

A.D. 1804.
Section 2.

public notice thereof shall be given specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the chairman of the Parish Council or other conveners of the meeting.

(3) If the business relates to the establishment or dissolution of a Parish Council, or the grouping of a parish, or the adoption of any of the adoptive Acts, not less than fourteen days notice shall be given.

(4) A Parish Meeting may discuss parish affairs and pass resolutions thereon.

(5) Every question to be decided by a Parish Meeting shall, in the first instance, be decided by the majority of those present and voting on the question, and the chairman shall announce his decision as to the result, and that decision shall be final, unless a poll is demanded.

(6) A poll may be demanded at any time before the conclusion of a Parish Meeting.

(7) A poll may be demanded by any one parochial elector in the case of a resolution respecting any of the following matters, namely :—

- (a) Any application, representation, or complaint to a County Council or District Council ;
- (b) The appointment of a chairman for the year or of a committee, or the delegation of any powers or duties to a committee, or the approval of the acts of a committee ;
- (c) The appointment of an overseer, the appointment or revocation of the appointment or dismissal of an assistant overseer or a parish officer ;
- (d) The appointment of trustees or beneficiaries of a charity ;
- (e) The adoption of any of the adoptive Acts ;
- (f) The formation or dissolution of a School Board ;
- (g) The consent or refusal of consent to any act, matter, or thing which cannot by law be done without that consent ;
- (h) The incurring of any expense or liability ;
- (i) The place and time for the assembly of the Parish Meeting ;
- (j) Any other prescribed matter ;

but, save as aforesaid, a poll shall not be taken unless either the chairman of the meeting assents, or the poll is demanded by parochial electors present at the meeting, not being less than five in number or one-third of those present, whichever number is least.

(8) In case of an equal division of votes at a Parish Meeting the chairman shall have a second or casting vote.

(9) Where a Parish Meeting is held for the election of parish councillors, opportunity shall be given at the meeting for putting questions to such of the candidates as are present, and receiving explanations from them, and any candidate shall be entitled to attend the Meeting and speak thereat, but, unless he is a parochial elector, not to vote.

(10) If the chairman of the Parish Meeting is absent from or unwilling or unable to take the chair at any assembly of the Parish

Meeting, the meeting may appoint a person to take the chair, and A.D. 1894.
that person shall have, for the purpose of that meeting, the powers Section 2.
and authority of the chairman.

(11) Any notice required to be given to or served on a Parish
Meeting may be given to or served on the chairman of the Parish
Meeting.

PART II.

RULES APPLICABLE TO PARISH COUNCILS.

Section 3.

(1) Every parish councillor shall, at the first meeting after his election, or if the council at the first meeting so permit, then at a later meeting fixed by the council, sign, in the presence of some member of the council, a declaration that he accepts the office, and if he does not sign such a declaration his office shall be void.

(2) If any casual vacancy arises in the council, the council shall forthwith be convened for filling the vacancy.

(3) The first business at the annual meeting shall be to elect a chairman and to appoint the overseers.

(4) The chairman may at any time convene a meeting of the Parish Council. If the chairman refuses to convene a meeting of the council after a requisition for that purpose signed by two members of the council has been presented to him, any two members of the council may forthwith, on that refusal, convene a meeting. If the chairman (without so refusing) does not within seven days after such presentation, convene a meeting, any two members of the council may, on the expiration of those seven days, convene a meeting.

(5) Three clear days at least before any meeting of Parish Council notice thereof, specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by or on behalf of the chairman of the Parish Council or persons convening the meeting, shall be given to every member of the Parish Council, and in case of the Annual Meeting notice specifying the like particulars shall be given to every member of the Parish Council immediately after his election.

(6) Any notice required by law to be given to the chairman or any other member of the Parish Council may be left at or sent by post to the usual place of abode of such chairman or member.

(7) No business shall be transacted at any meeting of a Parish Council unless at least one-third of the full number of members are present thereat, subject to this qualification, that in no case shall the quorum be less than three.

(8) The names of the members present at any meeting of the Parish Council, as well as of those voting on each question on which a division is taken, shall be recorded, so as to show whether each vote given was for or against the question.

(9) Every question at a meeting of a Parish Council shall be decided by a majority of votes of the members present and voting on that question.

APPENDIX C.

but the library authority (*a*) (now the Parish Council) may, if they think fit, grant the use of a lending library to persons who are not inhabitants of the parish, either gratuitously or for payment.

The expenses incurred under the Act are defrayed out of a rate raised with and as part of the poor rate, but any person assessed to the poor rate in respect of lands used for arable, meadow, or pasture only, or as woodlands, market or nursery gardens, is entitled to an allowance of two-thirds of the sum at which he is assessed.

APPENDIX C.

PUBLIC HEALTH ACT, 1875.

38, 39 VICT. CHAPTER 55.

Highways.

Powers of
surveyors
of high-
ways and of
vestries
under the
Highway
Act, 1835,
vested in
urban
authority.

144. Every urban authority (*a*) shall within their district, exclusively of any other person, execute the office of, and be, surveyor of highways, and have, exercise, and be subject to, all the powers, authorities, duties, and liabilities of surveyors of highways under the law for the time being in force, save so far as such powers, authorities, or duties are or may be inconsistent with the provisions of this Act, every urban authority shall also have, exercise, and be subject to all the powers, authorities, duties, and liabilities which by the Highway Act, 1835, or any Act amending the same, are vested in and given to the inhabitants in vestry assembled of any parish within their district.

All ministerial acts required by an Act of Parliament to be done by, or to, the surveyor of highways may be done by, or to, the surveyor of the urban authority, or by or to such other person as they may appoint.

Inhabitants
of urban
district not
liable to
rates for
roads
without the
district.

145. The inhabitants within any urban district shall not, in respect of any property situated therein, be liable to the payment of highway rate or other payment, not being a toll, in respect of making or repairing roads or highways without such district, provided, that any person who in any place after the passing of this Act (*b*) ceases under or by virtue of any provision of this Act, or of any order made thereunder, to be surveyor of highways within such place, may recover any highway rate made in respect of such place, and remaining unpaid at the time of his so ceasing to be such surveyor, as if he had not ceased to be such surveyor; and the money so recovered shall be applied, in the first place, in reim-

(*a*) Formerly Commissioners appointed by the vestry (consisting of from three to nine voters in the parish).

(*a*) And in future every Rural District Council, unless otherwise ordered. See page 78.

(*b*) In the case of rural authorities after the passing of the Local Government Act, 1894.

bursing himself any expenses incurred by him as such surveyor, and in discharging any debts legally owing by him on account of the highways within his jurisdiction ; and the surplus (if any) shall be paid by him to the treasurer of the urban authority, and carried to the fund or rate applicable to the repair of highways within their district.

146. Any urban authority may agree with any person for the making of roads within their district for the public use through the urban lands and at the expense of such person, and may agree that such roads shall become, and the same shall accordingly become, on completion, highways maintainable and repairable by the inhabitants at large within their district ; they may also, with the consent of two-thirds of their number, agree with such person to pay, and may accordingly pay, any portion of the expenses of making such roads.

147. Any urban authority may agree with the proprietors of any canal, railway, or tramway to adopt and maintain any existing or projected bridge, viaduct, or arch within their district, over or under any such canal, railway, or tramway, and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct, or arch and approaches as parts of public streets or roads maintainable and repairable by the inhabitants at large within their district, or such authority may themselves agree to construct any such bridge, viaduct, or arch at the expense of such proprietors ; they may also, with the consent of two-thirds of their number, agree to pay, and may accordingly pay, any portion of the expenses of the construction or alteration of any such bridge, viaduct, or arch, or of the purchase of any adjoining lands required for the foundation and support thereof, or for the approaches thereto.

148. Any urban authority may by agreement with the trustees of any turnpike road, or with any person liable to repair any street or road or any part thereof, or with the surveyor of any county bridge, take on themselves the maintenance, repair, cleansing, or watering of any such street or road, or any part thereof, or of any road over any county bridge, and the approaches thereto, or of any part of the said streets or roads within their district, and may remove any turnpike gates, toll gates or bars which may be situated within their district ; and may erect other turnpike gates, toll gates or bars in lieu thereof, on such terms as the urban authority and such trustees or person or surveyor as aforesaid may agree on :

Provided—

That where any mortgage debt is charged on the tolls of any such turnpike road, no agreement shall be made for the removal of any of the toll gates or bars thereon unless with the previous consent in writing of a majority of at least two-thirds in value of the mortgagees ; and

That where the terms arranged include any annual or other payments from such urban authority to the trustees of any such turnpike road, then the payments may be secured on any fund or rate applicable by such authority to any of the purposes of this Act in the same manner as other charges on any such fund or rate are authorized by this Act.

APPENDIX C.

Any executors, administrators, guardians, trustees, or committee of the estate of any idiot or lunatic, who are as such for the time being entitled to any money charged or secured on the tolls of any such turnpike road, may consent to any such agreement as aforesaid, as fully as if they respectively were so entitled in their own right, discharged of all trusts in respect thereof; and all executors, administrators, guardians, trustees, and committees so consenting are hereby severally indemnified for so doing.

PUBLIC HEALTH ACT, 1875.

Bye-laws.

Power to impose penalties on breach of bye-laws.

183. Any local authority (*c*) may, by any bye-laws made by them, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such bye-laws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Confirmation of bye-laws.

184. Bye-laws made by a local authority shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such bye-laws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such bye-laws relate, one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed bye-laws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such bye-laws relate, without fee or reward.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed bye-laws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A bye-law required to be confirmed by the Local Government Board shall not require confirmation, allowance or approval by any other authority.

Bye-laws to be printed, etc.

185. All bye-laws made by a local authority shall be printed and hung up in the office of such authority; and a copy thereof shall be delivered to any ratepayer of the district to which such bye-laws relate, on his application for the same; a copy of any bye-laws made by a rural authority shall also be transmitted to the overseers of every parish to which such bye-laws relate, to be deposited with

(*c*) Including in future a Parish Council. See page 51.

the public documents of the parish, and to be open to the inspection of any ratepayer of the parish at all reasonable hours.

186. A copy of any bye-laws made . . . by a local Evidence of authority . . . signed and certified by the clerk of such bye-laws, authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such bye-laws without further or other proof.

Contributory Places within the meaning of the Public Health Act, 1875.

229. Every special drainage district formed under that Act or any sanitary Act.

Every parish no part of which is within the limits of a special drainage district.

Where a rural parish is partly within a special drainage district, the part which is not comprised in each district.

Where part of a parish is within an urban district, the part which is not comprised either in the urban district or in a special drainage district.

APPENDIX D.

LOCAL GOVERNMENT ACT, 1888.

51, 52 VICT. CHAPTER 41.

Compensation to Existing Officers.

120. Every existing officer . . . who . . . suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, shall be entitled to have compensation paid to him for such pecuniary loss by the council or authority to whom the powers of the authority, whose officer he was, are transferred under this Act, regard being had to the conditions on which his appointment was made, to the nature of his office or employment, to the duration of his service, to any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance of or in consequence of this Act, and to the emoluments which he might have acquired if he had not refused to accept any office offered by any council or other body acting under this Act, and to all the other circumstances of the case, and the compensation shall not exceed the amount which, under the Acts and rules relating to Her Majesty's Civil Service, is paid to a person on abolition of office.

Every person who is entitled to compensation, as above mentioned, shall deliver to the council or authority whose officer he has become a claim under his hand, setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the passing of this Act,* on account of the emoluments for which he claims com-

* In the present case before the passing of the Local Government Act, 1894.

APPENDIX D.

pension, distinguishing the offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declaration Act, 1835, that the same is a true statement according to the best of his knowledge, information and belief.

Such statement shall be submitted to the council or authority who shall forthwith take the same into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision.

If a claimant is aggrieved by the refusal of the council or authority to grant any compensation, or by the amount of compensation assessed, or if not less than one-third of the members of such Council or authority subscribe a protest against the amount of the compensation as being excessive, the claimant or any subscriber to such protest (as the case may be) may, within three months after the decision of the council or authority, appeal to the Treasury, who shall consider the case and determine whether any compensation, and if so, what amount ought to be granted to the claimant, and such determination shall be final.

Any claimant under this section, if so required by any member of the council or authority, shall attend at a meeting of the council, etc., and answer upon oath, which any justice present may administer, all questions asked by any member of the council, etc., touching the matters set forth in his claim, and shall further produce all books, papers, and documents in his possession or under his control relating to such claim.

The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by the council or authority on granting the compensation, or, in case of appeal, by the Treasury, and shall be a specialty debt due to him from the council, etc., and may be enforced accordingly in like manner as if the council, etc., had entered into a bond to pay the same.

If a person receiving compensation in pursuance of this section is appointed to any office under the same or any other council or authority, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than, with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds such office.

All expenses incurred by a district council or authority in pursuance of this section shall be paid as general expenses of the Council (see p. 116), and any expenses incurred by a Board of Guardians shall be paid out of their common fund, and any expenses incurred by any other authority shall be paid out of the fund applicable to the payment of the salary of the officer affected.
See page 115.

APPENDIX E.

METROPOLIS LOCAL MANAGEMENT ACT, 1855.

18, 19 VICT. CHAPTER 120.

(As amended by subsequent Acts.)

SCHEDULE A.

Battersea (St. Mary) excluding Penge ; Bermondsey ; Bethnal Green (St Matthew) ; Camberwell ; Chelsea ; Clerkenwell (St. James and St. John) ; Fulham ; Hammersmith ; Hampstead (St. John) ; Islington (St. Mary) ; Kensington (St. Mary Abbott) ; Lambeth ; Mile End Old Town, Hamlet of (part of Stepney) ; Newington (St. Mary) ; Paddington ; Rotherhithe ; St. George, Hanover Square ; St. George in the East ; St. George the Martyr, Southwark ; St. James, Westminster ; St. Luke ; St. Martin in the Fields ; St. Marylebone ; St. Pancras ; Shoreditch (St. Leonards) ; Westminster (St. Margaret and St. John) ; Woolwich ; Plumstead (a) ; Hackney (b) ; Stoke Newington (St. Mary) (b).

SCHEDULE B.

Greenwich District :—

Greenwich ; St. Nicholas, Deptford ; St. Paul, Deptford (including Hatcham).

Holborn District :—

Glasshouse Yard, Liberty of ; Saffron Hill, Hatton Garden, Ely Rents, Ely Place ; St. Andrew, Holborn above Bars ; St. George the Martyr ; St. Sepulchre.

Lewisham District :—

Lewisham (including Sydenham Chapelry) ; Penge, Hamlet of.

Limehouse District :—

Ratcliff, Hamlet of ; St. Anne, Limehouse ; St. John, Wapping ; St. Paul, Shadwell.

Lee District :—

Charlton, next Woolwich ; Eltham ; Kidbrooke ; Lee.

Poplar District :—

All Saints, Poplar ; St. Leonard, Bromley ; St. Mary, Stratford-le-Bow.

St. Giles District :—

St. Giles in the Fields ; St. George, Bloomsbury.

(a) Until the 25th March, 1894, Plumstead was included in what is now called the Lee District, which until the above date was called the Plumstead District. 56, 57 Vict. c. 55, s. 3.

(b) Prior to the 25th March, 1894, Hackney and Stoke Newington together formed a district called the Hackney District. 56, 57 Vict. c. 55, s. 3.

APPENDIX F.

St. Olave District :—

St. John, Horsleydown ; St. Olave ; St. Thomas, Southwark.

St. Saviour District :—

Christchurch ; St. Saviour (including the Liberty of the Clink).

Strand District :—

Liberty of the Rolls ; Precinct of the Savoy (or St. John the Baptist) ; St. Anne, Soho ; St. Clement Danes ; St. Mary-le-Strand ; St. Paul, Covent Garden.

Wandsworth District :—

Clapham ; Putney (including Roehampton) ; Streatham ; Tooting Graveney ; Wandsworth.

Whitechapel District :—

Christchurch in Spitalfields ; District of the Tower ; Holy Trinity, Minories ; Liberty of Norton Folgate ; Mile End New Town, Hamlet of ; Old Artillery Ground ; Precinct of St. Katherine ; St. Botolph-without-Aldgate ; Whitechapel (St. Mary).

SCHEDULE C.

Places in the Metropolis which are extra parochial :—

The Close of the Collegiate Church of St. Peter ; The Charter House ; Inner Temple ; Middle Temple ; Lincoln's Inn ; Gray's Inn ; Staple Inn ; Furnival's Inn.

APPENDIX F.

Rights of a Parish Council under the RAILWAY CLAUSES ACT, 1845 (sections 77—85), with respect to mines under land purchased by the Council.

The right to mines and minerals under land purchased compulsorily must be obtained (if at all) by voluntary agreement.

But in no case can any mine or minerals within the prescribed distance—or if none is prescribed, within forty yards—of any land acquired by the Parish Council, be worked by the owner, lessee or occupier unless he gives to the Council a written notice of his intention to do so, thirty days before he begins.

The Council may then inspect the mine, and if—having any reason to anticipate damage from its working—they are willing to compensate the owner for the mine or any part of it, he cannot afterwards work the mine or that part for which he has received compensation.

Any dispute as to the amount of compensation is to be settled by an arbitrator appointed in the manner provided on page 96.

If the Council, however, do not within thirty days express a desire to treat for the payment of compensation, the owner, etc.,

may then work the mine, but he will be bound—at his own expense—to make good any damage or remove any obstruction occasioned to the Council by improper working. If the owner, etc., fails to make good the damage, etc., the Council may themselves do the necessary repairs and recover from the owner any expense they have incurred, by an action in any of the superior courts.

The Council may, moreover, do the repairs themselves in the first instance without waiting for them to be done by the owner.

The Council will have from time to time to pay the owner compensation for losses which he has sustained by reason of his mine being thus severed, and the continuous working of it prevented; and also for any minerals which the Council have not purchased, and which cannot be obtained without injuring their property, any dispute as to amount being determined by an arbitrator appointed in the manner provided on page 96.

Although the Council may prevent the working of the mine by paying compensation, the owner whose mine extends on both sides of property belonging to the Council, may cut and make such and so many airways, headways, gateways, or water levels through the part retained by the Council as may be necessary for the ventilation, drainage, and working of his mines; provided that the airways, etc., do not exceed the dimensions or sections prescribed, or, if no dimensions are prescribed, not exceeding eight feet in width and height. But no airway can be cut so as to injure the property of the Council or impede any way over it.

The Parish Council will also have to compensate the owner or occupier of the lands lying over any mine the working of which has been prevented (provided that he is not also owner of the mines) for any loss or damage sustained by him through the making of any airway or the doing of any like work.

In order to ascertain whether any mines are being or have been worked so as to injure their property, the Council may, on giving twenty-four hours notice, enter and inspect the working of the mines. If the owner, etc., refuse to allow an inspection he will be liable on every such refusal to a penalty not exceeding twenty pounds, payable to the Council.

If it appears that any such mines have been worked improperly, the Council may give notice to the owner, etc., to do what is necessary for the safety of their property, and if he does not proceed forthwith, the Council may themselves do what is necessary, and recover any expense incurred by an action in any of the superior courts.

APPENDIX G.

AGRICULTURAL HOLDINGS ACT, 1883.

46, 47 VICT. CHAPTER 61.

I.—*Improvements.*

Schedule.

Improvements to which consent of landlord is required :—Erection or enlargement of buildings. Formation of silos. Laying down of permanent pasture. Making of gardens, fences, water meadows or works of irrigation. Making and planting of osier beds. Making or improving of roads, bridges, water-courses, ponds, wells or reservoirs, or of works for the application of water power or for supply of water for agricultural or domestic purposes. Planting of hops, orchards or fruit bushes. Reclaiming of waste land. Warping of land. Embankment and sluices against floods.

Improvement in respect of which notice to landlord is required :—Drainage.

Improvements to which consent of landlord is not required :—Chalking, claying, liming and marling of land. Boning of land with undissolved bones. Clay-burning. Application to land of purchased artificial or other purchased manure. Consumption on the holding by cattle, sheep, or pigs, of cake or other feeding stuff not produced on the holding.

II.—*Regulations as to Compensation for Improvements.*

Section 6.

In the ascertainment of the amount of the compensation payable to the tenant in respect of any improvement, there shall be taken into account in reduction thereof :—

- (a) Any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement ; and
- (b) In the case of compensation for manures the value of the manure that would have been produced by the consumption on the holding of any hay, straw, roots or green crops sold off or removed from the holding within the last two years of the tenancy or other less time for which the tenancy has endured, except so far as a proper return of manure to the holding has been made in respect of such produce so sold off or removed therefrom ; and
- (c) Any sums due to the landlord in respect of rent or in respect of any waste committed or permitted by the tenant, or in respect of any breach of covenant or other agreement connected with the contract of tenancy committed by the tenant, also any taxes, rates and tithe rent charge due or becoming due in respect of the holding to which the tenant is liable as between him and the landlord.

Then shall be taken into account in augmentation of the tenant's compensation.

(a) Any sum due to the tenant for compensation in respect of a breach of covenant or other agreement connected with a contract of tenancy and committed by the landlord.

Nothing in this section shall enable a landlord to obtain . . . compensation in respect of waste by the tenant or of breach by the tenant committed or permitted in relation to a matter of husbandry more than four years before the determination of the tenancy.

APPENDIX H.

COMMONS ACT, 1876.

39, 40 VICT. CHAPTER 56.

Any Urban Sanitary Authority . . . may, with the sanction Section 8. of the Board of Agriculture, enter into an undertaking to contribute out of their funds for or towards the maintenance of recreation grounds, or of paths or roads, or the doing any other matter or thing for the benefit of their town in relation to the common to which such application relates.

They may also, in relation to any such common, and with such sanction as aforesaid, enter into an undertaking to pay compensation in respect to the rights of commoners, for the purpose of securing greater privileges for the benefit of their town.

An Urban Sanitary Authority may acquire by gift and hold without license in mortmain (a) on trust for the benefit of their town any suburban common, and any rights in such a common.

They may also in the case of any such suburban common purchase and hold as aforesaid, with a view to prevent the extinction of the rights of common, any saleable rights in common or any tenement of a commoner having annexed thereto rights of common.

They may also, with the consent of persons representing at least one third in value of such interests in a suburban common as aforesaid as are proposed to be affected by the provisional order, make an application to the Board of Agriculture for the regulation of such common with a view to the benefit of their town and the improvement of such common.

Where an Urban Sanitary Authority makes an application under this Act with such consent as aforesaid in respect of the regulation of a common, or undertakes to make any contribution or to pay any compensation or make any other payment out of its funds in respect of a common, such Urban Authority may, if the Board of Agriculture deem it advisable, having regard to the benefit of the neighbourhood as well as to private interests, be invested with such powers of management or other powers as may be expedient.

(a) For explanation, see note (u), page 24.

APPENDIX I.

Section 44.

CHARITABLE TRUSTS AMENDMENT ACT, 1855.

The trustees or administrators of every charity shall also on or before the 25th of March next, after the acquisition of any endowment . . . prepare and make out and transmit to the Board (the Charity Commissioners) an account of such endowment showing in the case of realty (a) not in hand the manner in which the same is let or occupied, and in the case of personalty (a) the existing investment or employment thereof, and in what names such investments are made, and in case of any alienation or charge or transfer of any real or personal estate of the charity shall, on or before the 25th of March then next following transmit to the Board an account of such alienation, charge, or transfer, and such trustees or administrators shall also on or before the 25th March in every year or such other day as may be fixed for that purpose by the Board . . . prepare and make out the following accounts in relation thereto ; that is to say,

(1) An account of the gross income arising from the endowment, or which ought to have arisen therefrom during the year ending on 31st Dec., then last or on such other day as may have been appointed for this purpose by the Board ;

(2) An account of all balances in hand at the commencement of the year and of all moneys received during the same year on account of the charity ;

(3) An account for the same period of all payments ;

(4) An account of all moneys owing to or from the charity so far as conveniently may be.

Which accounts shall be certified under the hand of one or more of the said trustees or administrators, and shall be audited by the auditor of the charity, if any ; and the said trustees or administrators shall within fourteen days after the day appointed for making out such accounts, deliver or transmit a copy thereof to the commissioners at their office in London, and in the case of parochial charities shall deliver another copy thereof to the churchwardens (in future the chairman of the Parish Meeting) of the parish or parishes with which the objects of such charities are identified, who shall present the same at the next general meeting of the vestry (in future the Parish Meeting) of such parishes, and insert a copy thereof in the minutes of the vestry book (in future the book of the Parish Meeting) ; and every such copy shall be open to the inspection of all persons at all seasonable hours subject to such regulations as the Board may think fit, and any person may require a copy of every such account or part thereof on paying . . . 2d. for every seventy-two words or figures.

(a) Roughly speaking, "realty" means land, and "personalty" means property other than land, e.g., money or goods.

APPENDIX J.

Extract from CIRCULAR issued by THE LOCAL GOVERNMENT BOARD, 24th March, 1894.

An order under section 25⁽¹⁾ is, by section 84⁽⁴⁾, to make such provision as may be necessary for holding elections of Highway Boards in any interval during which the operation of section 25 is postponed. This provision will enable the County Council to give directions in their order for the election of way-wardens (a) in place of those who will cease to hold office when the Rural District Councillors come into office (see section 25⁽¹⁾), and also to order for what period such way-wardens shall be elected, having regard to the period of postponement.

No similar provision appears, as a rule, to be required as regards the annual election of surveyors for parishes not in highway districts during the interval referred to, and the effect of the postponement of the operation of section 25 would seem to be, that in such a case surveyors will continue to be elected from year to year so long as necessary. But in the case of new rural parishes formed by, or in pursuance of the Act, it may be necessary, in the event of the County Council postponing the operation of section 25, to provide for the election of surveyors to act for periods until the next ordinary time for electing surveyors. (b)

This course would not be requisite as regards a parish partly within and partly without an Urban District, which, by virtue of section 216 of the Public Health Act, 1875 (c), is at the present time treated as wholly within the Urban District for highway purposes, because, if the County Council postpone the operation of section 25, the part of the existing parish which is outside the Urban District will continue subject to section 216 of the Act of 1875 until the Rural District Council become the highway authority, notwithstanding that it may have become a separate parish.

(a) Highway Boards consist of way-wardens elected by the Vestries of the several highway parishes within the district, and of the Trustees acting for the county and residing within the district.

(b) About the 25th March.

(c) See section 25⁽⁴⁾ of the present Act and reference therefrom to page 78.

NOTE.—The figures in the Index refer to the pages of the book, except when preceded by the letter s., in which case they refer to the Sections of the Act which is set out in Appendix A.

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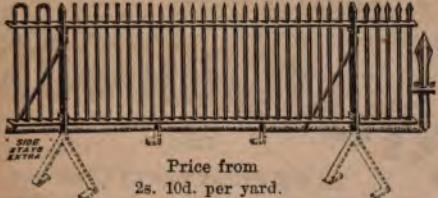
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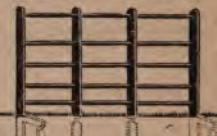
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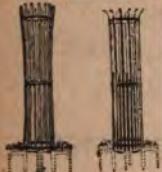
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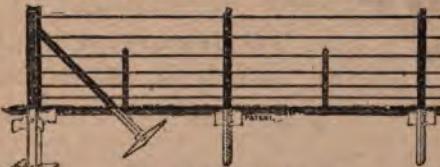


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